

Assembly Bill No. 1729

CHAPTER 285

An act to amend Sections 18, 62, 331, 332, 396, 711.2, 856, 1001, 1011, 1050.1, 1052, 1052.5, 1053.5, 1054, 1054.2, 1054.8, 1061, 1124, 1572, 2001, 2005, 2011, 2012, 2115, 2120, 2121, 2127, 2150.3, 2150.4, 2186, 2187, 2189, 2192, 2345, 2346, 2347, 2348, 2349, 2353, 2362, 2535, 3001, 3003.5, 3004, 3007, 3031.2, 3050, 3051, 3054, 3080, 3087, 3242, 3500, 3680, 3683, 3801, 3801.6, 3803, 4000, 4005, 4012, 4152, 4180, 4181.5, 4186, 4330, 4331, 4332, 4333, 4334, 4336, 4340, 4341, 4652, 4653, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 4904, 5514, 5652, 6301, 7145, 7147, 7149.2, 7149.4, 7149.45, 7153, 7180, 7852.27, 8022, 8030, 8051.4, 8250.5, 8284, 8372, 8573, 8576, 8597, 8598, 8632, 8681, 10500, 10506, 11032, 12000, 12001.5, 12002, 12002.1, and 12013 of, to add Sections 19, 89.1, 1575, 12002.11, and 12002.2.1 to, to add Article 3.5 (commencing with Section 1575) to Chapter 5 of Division 2 of, to repeal Sections 397, 2150.5, 3005.9, 3005.91, 3005.92, 3005.93, 3005.94, 3055, 3055.1, 3304, 4001, 5020, 5502, and 8383 of, the Fish and Game Code, relating to fish and wildlife.

[Approved by Governor October 5, 2007. Filed with
Secretary of State October 5, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1729, Committee on Water, Parks and Wildlife. Fish and wildlife.

(1) Existing law requires each person that takes birds or mammals in California to apply for, and be granted, a hunting license. Existing law authorizes specified persons to obtain tags or stamps for the taking of specific animals or aquatic species, if certain requirements are met. Existing law imposes specific requirements for the proper completion of a tag.

This bill would remove references to a "license tag" or "license stamp" and, instead, would refer only to a "tag" or "stamp." This bill would revise existing tag completion provisions for deer, wild pigs, and bears.

(2) Existing law establishes the license year for a falconry license as commencing on March 1 and ending on the last day of February of the next succeeding calendar year. Existing law imposes a fee for permits for the importation, exportation, or intrastate transfer of a bird of prey.

This bill would modify that year to commence July 1, and end on the last day of June. The bill would delete that permit fee.

(3) Existing law establishes in the Resources Agency, the Department of Fish and Game to manage and protect wildlife trust resources. Existing law defines "wildlife" to include all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability.

This bill would include reptiles in that definition.

(4) Existing law provides that nothing prohibits the department from taking, for scientific or propagation purposes, fish, amphibians, reptiles, mammals, birds, and the nests and eggs thereof, or any other form of plant or animal life.

This bill would also provide that nothing prohibits the department from such takings for public health or safety purposes, the prevention or relief of suffering, or law enforcement purposes.

(4.5) Existing law requires the department to establish the Shared Habitat Alliance for Recreational Enhancement program to encourage private landowners to voluntarily make their land available to the public for wildlife-dependent recreational activities, as defined.

This bill would authorize the department to contract with landowners for the establishment of cooperative hunting areas, as specified. The bill would make corresponding changes to related provisions.

(5) Generally, it is unlawful to possess fish, reptiles, or amphibians except during the open season where taken and for 10 days thereafter; and not more than the possession limit of a fish, reptile, or amphibian may be possessed during the period after the close of the open season. It is also generally unlawful to possess game birds or mammals except during the open season where taken. Existing law defines “bag limit” to mean the maximum limit, in number or amount, of birds, mammals, fish, or amphibians that may lawfully be taken by any one person during a specified period of time.

This bill would make it unlawful to take mammals, birds, fish, reptiles, and amphibians outside of established seasons or to exceed any bag limit or possession limit established in this code or by regulations adopted by the commission. Violation of any established season, bag limit, or possession limit may be charged as a violation of this section or of the specific code section or regulation that establishes the season or limit. The bill would additionally define “possession limit” to mean the maximum, in number or amount of, birds, mammals, fish, reptiles, or amphibians that may be lawfully possessed by one person. The bill would include reptiles in the bag limit definition.

(6) Existing law makes it unlawful to use certain artificial lights to assist in that taking of specified animals.

This bill would make it unlawful to use or possess at any time for such a purpose, any night vision equipment or optical devices that use light-amplifying circuits that are electrical or battery powered.

(7) Existing law enumerates specific criteria for the adoption by the commission, on or before January 1, 2007, of regulations to be promulgated with respect to wild animals. The regulations are required to be designed to provide for the welfare of wild animals.

This bill would also require that the regulations be designed to provide for the safety of the public.

(8) Existing law regulates the importation of live nonnative wild animals and provides the procedure for handling a live nonnative wild animal that is found at large within the state.

This bill would define “nonnative wild animal” and would make other technical changes to those provisions.

(9) Existing law regulates the importation and transportation of designated dead animals.

This bill would include reptiles among those designated dead animals.

(10) Existing law makes it unlawful to take birds or mammals with firearms or with bow and arrow when intoxicated.

This bill would make it unlawful to take birds or mammals with firearms, BB devices, crossbows, or with bow and arrow when intoxicated.

(11) Existing law makes it unlawful to discharge certain weapons within 150 yards of certain buildings, establishing a safety zone.

This bill would also make it unlawful to intentionally discharge any firearm or release any arrow or crossbow bolt over or across any public road or way, open to the public, in an unsafe manner.

(12) Existing law, except as specified, makes it unlawful to possess or confine certain live cats, excepting house cats, provides for the seizure of unlawfully possessed or confined cats, requires the adoption of regulations by the commission, and requires the department inspection of permitted facilities.

This bill would delete those provisions.

(13) Existing law generally requires a hunting license applicant to have completed a hunter safety course.

This bill would rename that course a hunter education course. The bill would make corresponding changes to related provisions.

(14) Existing law provides for the licensure and regulation of domesticated migratory game bird shooting areas. That law requires that a licensee raise or use a minimum of 500 birds during the annual license period.

This bill would delete the requirement imposing that minimum.

(15) Existing law makes it a misdemeanor to take any Antwerp or homing pigeon.

This bill would instead provide that a person who purposely takes any racing pigeon currently registered with a recognized organization is guilty of a misdemeanor, but would also provide that the incidental take of registered racing pigeons with the shooting or taking of wild band-tailed pigeons or domestic pigeons is not a violation of this provision.

(16) Existing law defines resident game birds and upland game bird species. Existing law permits the taking of certain nongame birds.

This bill would revise those definitions.

(17) Under existing law, the department is authorized to take any bird that is unduly preying on any bird, mammal, or fish.

This bill would authorize the department to take any individual bird, or birds of any species, that, in its opinion, are unduly preying upon any species of bird, mammal, amphibian, reptile, or fish.

(18) Existing law defines fur-bearing mammals to include pine marten, fisher, wolverine, mink, river otter, gray fox, cross fox, silver fox, red fox, kit fox, raccoon, beaver, badger, and muskrat.

This bill would delete wolverine, cross fox, and silver fox from that definition.

(19) Existing law generally requires a person who traps fur-bearing mammals or nongame mammals, designated by the commission, or who sells raw furs of those mammals, to procure a trapping license from the department.

This bill would provide that nothing in the Fish and Game Code or regulations adopted pursuant thereto shall be construed to prevent or prohibit a person from trapping specified animals, except as specified.

(20) Existing law makes it unlawful to take certain fox varieties for profitmaking purposes.

This bill would revise that provision to make it unlawful only to take red fox for those purposes.

(21) Existing law regulates the taking of certain animals injuring property.

The bill would authorize the department to allow certain exceptions to specific requirements concerning the take of deer and rabbits.

(22) Existing law makes it unlawful, in any district or part of a district in Butte County, to kill or retain in possession any king, silver, or kokanee salmon or any steelhead that has not taken the bait or lure in its mouth.

This bill would make it unlawful to kill or retain in possession any chinook, coho, or kokanee salmon or any steelhead that has not taken the bait or lure in its mouth, in inland waters.

(23) Existing law makes it unlawful to deposit, permit to pass into, or place where it can pass into, the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

This bill would add litter, refuse, waste, and debris to that list of items.

(24) The department is authorized to enter at any time any car, warehouse, depot, ship, or growing area where any fish, amphibians, or aquatic plants are held or stored, for the purpose of making an examination to ascertain whether those fish, amphibians, or aquatic plants are infected, diseased, or parasitized.

This bill would also authorize entry into vehicles and containers, would change the purpose to a regulatory inspection, and additionally authorize the department to determine if aquaculture products are being or have been legally imported, transported, or possessed.

(25) Existing law requires every person over the age of 16 years who takes any fish, reptile, or amphibian for any purpose other than profit to first obtain a license for that purpose and to have that license on his or her person or in his or her immediate possession when engaged in carrying out any activity authorized by the license. Existing law excepts an owner of real property, or the owner's invitee, who takes fish for purposes other than profit from a lake or pond that is wholly enclosed by that owner's real property and that is located offstream and not hydrologically connected to any permanent or intermittent waterway of the state.

This bill would revise that exception as to eligible persons and water bodies.

(26) Existing law requires a commercial fishing license for specified commercial fishing activities. Existing law regulating commercial fishing imposes, or authorizes the imposition of, various license, permit, and registration fees. Existing law requires a person engaging in activities for which a commercial fishing license is required to have specified identification.

This bill would authorize the use of a current valid passport as identification under specified circumstances.

(27) A provision, which was repealed on January 1, 2007, provided for the payment of a specified landing tax on abalone. Existing law, the provisions of which require its repeal on January 1, 2008, requires the appointment of a Commercial Abalone Advisory Committee, with prescribed membership, to recommend to the director activities to be conducted with funds collected under the repealed landing tax.

This bill would extend the existence of this advisory committee until January 1, 2013.

(28) Existing law generally makes it unlawful to use specified weapons in a game refuge.

This bill would include BB devices and crossbows in those weapons.

(29) Existing law makes specific violations of regulation or statute an infraction.

This bill would add several violations of regulations to that existing infraction provision. The bill would also make several other violations of statute an infraction.

(30) The bill would make other corresponding and clarifying changes, as well as deleting certain obsolete provisions.

(31) Existing law generally makes it a crime to violate fish and game laws.

This bill, by revising and adding to those laws, would change the definition of crime, thereby imposing a state-mandated local program.

(32) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 18 of the Fish and Game Code is amended to read:

18. "Bag limit" means the maximum limit, in number or amount, of birds, mammals, fish, reptiles, or amphibians that may lawfully be taken by any one person during a specified period of time.

SEC. 2. Section 19 is added to the Fish and Game Code, to read:

19. “Possession limit” means the maximum, in number or amount, of birds, mammals, fish, reptiles, or amphibians that may be lawfully possessed by one person.

SEC. 3. Section 62 of the Fish and Game Code is amended to read:

62. “Open season” means that period of time during which the taking of birds, mammals, fish, reptiles, or amphibians is allowed as prescribed in this code and regulations adopted by the commission. If used to define the period of time during which take is allowed “season” means “open season.”

SEC. 4. Section 89.1 is added to the Fish and Game Code, to read:

89.1. “Waters of the state,” “waters of this state,” and “state waters” have the same meaning as “waters of the state” as defined in subdivision (e) of Section 13050 of the Water Code.

SEC. 5. Section 331 of the Fish and Game Code is amended to read:

331. (a) The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the sex and total number of antelope (*Antilocapra americana*) that may be taken under regulations that the commission may adopt from time to time. Only a person possessing a valid hunting license, who has not received an antelope tag under these provisions during a period of time specified by the commission, may obtain a tag for the taking of antelope.

(b) The department may issue a tag upon payment of a fee. The fee for a tag shall be fifty-five dollars (\$55) for a resident of the state, as adjusted under Section 713. On or before July 1, 2007, the commission shall, by regulation, fix the fee for a nonresident of the state at not less than a fee of three hundred fifty dollars (\$350), as adjusted under Section 713. The fee shall be deposited in the Fish and Game Preservation Fund and, upon appropriation by the Legislature, shall be expended, in addition to moneys budgeted for salaries of persons in the department, for the expense of implementing this section.

(c) The commission shall direct the department to annually authorize not less than one antelope tag or more than 1 percent of the total number of tags available for the purpose of raising funds for programs and projects to benefit antelope. These tags may be sold at auction to residents or nonresidents of the state or by another method and are not subject to the fee limitation prescribed in subdivision (b).

(d) The commission shall direct the department to annually authorize one antelope tag of the total number of tags available for issuance to nonresidents of the state.

SEC. 6. Section 332 of the Fish and Game Code is amended to read:

332. (a) The commission may determine and fix the area or areas, the seasons and hours, the bag and possession limit, and the number of elk that may be taken under rules and regulations that the commission may adopt from time to time. The commission may authorize the taking of tule elk if the average of the department’s statewide tule elk population estimates exceeds 2,000 animals, or the Legislature determines, pursuant to the reports required by Section 3951, that suitable areas cannot be found in the state to accommodate that population in a healthy condition.

(b) Only a person possessing a valid hunting license may obtain a tag for the taking of elk.

(c) The department may issue an elk tag upon payment of a fee. The fee for a tag shall be one hundred sixty-five dollars (\$165) for a resident of the state, as adjusted under Section 713. On or before July 1, 2007, the commission shall, by regulation, fix the fee for a nonresident of the state at not less than one thousand fifty dollars (\$1,050), as adjusted under Section 713. The fees shall be deposited in the Fish and Game Preservation Fund and, upon appropriation by the Legislature, shall be expended, in addition to moneys budgeted for salaries of the department, for the expenses of implementing this section and Section 3951.

(d) The commission shall annually direct the department to authorize not more than three elk hunting tags for the purpose of raising funds for programs and projects to benefit elk. These tags may be sold at auction to residents or nonresidents of the state or by another method and are not subject to the fee limitation prescribed in subdivision (c).

(e) The commission shall direct the department to annually authorize one elk tag of the total number of tags available for issuance to nonresidents of the state.

SEC. 7. Section 396 of the Fish and Game Code is amended to read:

396. (a) The falconry license shall be valid for a license year beginning on July 1 and ending on the last day of June of the next succeeding calendar year. If issued after July 1 of any year, a falconry license is valid for the remainder of that license year.

(b) For the license years beginning on or after March 1, 1987, the fee for a falconry license is a base fee of thirty dollars (\$30) as adjusted under Section 713.

SEC. 8. Section 397 of the Fish and Game Code is repealed.

SEC. 9. Section 711.2 of the Fish and Game Code is amended to read:

711.2. (a) For purposes of this code, unless the context otherwise requires, “wildlife” means and includes all wild animals, birds, plants, fish, amphibians, reptiles, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability and “project” has the same meaning as defined in Section 21065 of the Public Resources Code.

(b) For purposes of this article, “person” includes any individual, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, city, county, city and county, town, the state, and any of the agencies of those entities.

SEC. 10. Section 856 of the Fish and Game Code is amended to read:

856. (a) All employees of the department designated by the director as deputized law enforcement officers are peace officers as provided by Section 830.2 of the Penal Code. The authority of that peace officer extends to any place in the state as to a public offense committed or which offense there is probable cause to believe has been committed within the state.

(b) Every peace officer described in this section, before the date that he or she is first deputized by the department, shall have satisfactorily completed

the basic course as set forth in the regulations of the Commission on Peace Officer Standards and Training.

(c) Every peace officer described in this section shall be required to complete regular training courses as required by the Commission on Peace Officer Standards and Training.

SEC. 11. Section 1001 of the Fish and Game Code is amended to read:

1001. Nothing in this code or any other law shall prohibit the department from taking, for scientific, propagation, public health or safety, prevention or relief of suffering, or law enforcement purposes, fish, amphibians, reptiles, mammals, birds, and the nests and eggs thereof, or any other form of plant or animal life.

SEC. 12. Section 1011 of the Fish and Game Code is amended to read:

1011. (a) The department may procure insurance for any of the following purposes:

(1) For itself and landowners who agree to permit the department to use their land as cooperative hunting, fishing, conservation or recreational areas, against any liability resulting from the operation of those hunting, fishing, conservation or recreational areas.

(2) For its employees or other persons authorized by the department to conduct hunter education training courses against any public liability or property damage resulting from that training.

(b) The cost of insurance procured pursuant to subdivision (a) shall be a proper charge against and shall be paid out of the Fish and Game Preservation Fund.

SEC. 13. Section 1050.1 of the Fish and Game Code is amended to read:

1050.1. Any license, permit, tag, stamp, or other entitlement authorized pursuant to this code is not valid until it is filled out completely and accurately and the fee authorized or identified in statute or regulation for that entitlement is received and paid to the department or its agent. It is the responsibility of the user to ensure that the license, permit, tag, stamp, or other entitlement is filled out completely and accurately.

SEC. 14. Section 1052 of the Fish and Game Code is amended to read:

1052. It is unlawful for any person to do any of the following:

(a) Transfer any license, tag, stamp, permit, application, or reservation.

(b) Use or possess any license, tag, stamp, permit, application, or reservation that was not lawfully issued to the user or possessor thereof or that was obtained by fraud, deceit, or the use of a fake or counterfeit application form.

(c) Use or possess any fake or counterfeit license, tag, stamp, permit, permit application form, band, or seal, made or used for the purpose of evading any of the provisions of this code, or regulations adopted pursuant thereto.

(d) Predate, fail to date, or alter any date of any license, tag, or permit.

(e) Postdate the date of application or the date of issuance of the license, tag, or permit. This subdivision does not apply to the date that a license, tag, or permit is valid.

(f) Alter, mutilate, deface, duplicate, or counterfeit any license, tag, permit, permit application form, band, or seal, or entries thereon, to evade the provisions of this code, or any regulations adopted pursuant thereto.

SEC. 15. Section 1052.5 of the Fish and Game Code is amended to read:

1052.5. Any stamp issued pursuant to this article is not valid unless affixed to the appropriate license document.

SEC. 16. Section 1053.5 of the Fish and Game Code is amended to read:

1053.5. Applicants for hunting licenses pursuant to subdivision (a) of Section 1053 shall first satisfactorily complete a hunter education equivalency examination and obtain a certificate of equivalency as provided by regulations adopted by the commission, or show proof of completion of a hunter education training course, or show a previous year's hunting license.

SEC. 17. Section 1054 of the Fish and Game Code is amended to read:

1054. (a) It is unlawful to submit, or conspire to submit, any false, inaccurate, or otherwise misleading information on any application or other document offered or otherwise presented to the department for any purpose, including, but not limited to, obtaining a license, tag, permit, or other privilege or entitlement pursuant to this code or regulations adopted thereto.

(b) The department may require the applicant for a license, tag, permit, or other privilege or entitlement to show proof of the statements or facts required for the issuance of any license, tag, permit, or other privilege or entitlement.

(c) For purposes of this section, "department" includes any department employee, license agent, or any person performing the duties of a department employee or license agent.

SEC. 18. Section 1054.2 of the Fish and Game Code is amended to read:

1054.2. Every person while engaged in taking any bird, mammal, fish, amphibian, or reptile shall have on his or her person or in his or her immediate possession, or where otherwise specifically required by law to be kept, any license, tag, stamp, or permit that is required in order to take the bird, mammal, fish, amphibian, or reptile. In the case of a person diving from a boat, the license or permit may be kept on the boat, or in the case of a person diving from shore, the license or permit may be kept within 500 yards of the shore.

SEC. 19. Section 1054.8 of the Fish and Game Code is amended to read:

1054.8. (a) The department shall establish, and keep current, written policies and procedures relating to the application process and the award of hunting tags for fundraising purposes, as authorized pursuant to subdivision (c) of Section 331, subdivision (d) of Section 332, Section 4334, or subdivision (d) of Section 4902.

(b) The policies and procedures shall include, but need not be limited to, all of the following:

- (1) The application process and criteria.
- (2) A standard application format.
- (3) An appeal process.
- (4) A requirement that all applications shall remain sealed until on or after a filing date specified by the department.

(c) The department shall make the policies and procedures available to interested parties 30 days before their implementation and shall receive and consider any related recommendations.

(d) The department shall not require a minimum tag sale price, except as otherwise provided in this code.

(e) It is the intent of the Legislature that the department develop policies and procedures that seek to maximize both the revenues received by the department and participation by qualified nonprofit organizations making application to sell the tags as sellers of the tags.

SEC. 20. Section 1061 of the Fish and Game Code is amended to read:

1061. (a) The department may allow a person to purchase a license voucher as a gift for a licensee when the licensee's complete and accurate personal information, as defined in regulation, is not provided by the license buyer at the time of purchase.

(b) A license purchase voucher entitles the holder of the voucher to redeem it for the specific license, permit, tag, or other privilege or entitlement, and license year for which it was purchased.

(c) A license purchase voucher shall expire and be considered void if not redeemed within the license year for which it was purchased.

(d) A license purchase voucher may be issued and redeemed by any person authorized by the department to issue licenses.

(e) The license agent handling fee, as provided under subdivision (b) of Section 1055.1, shall only apply to the sale of the license purchase voucher.

(f) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 21. Section 1124 of the Fish and Game Code is amended to read:

1124. It is unlawful to take any fish in any pond, reservoir, or other water-retaining structure belonging to or controlled by the department and used for propagating, raising, holding, protecting, or conserving fish.

SEC. 21.4. Section 1572 of the Fish and Game Code is amended to read:

1572. (a) The department, in partnership with nonprofit conservation groups and other interested nongovernmental organizations that seek to increase and enhance wildlife-dependent recreational opportunities, shall work cooperatively to plan and develop a program to facilitate public access to private lands for wildlife-dependent recreational activities.

(b) (1) Once the terms of the program have been established and approved by the partnership, the commission shall verify that sufficient demonstration of private landowner and program participant interest has been shown to support the program.

(2) The department may impose user fees or apply for grants, federal funds, or other contributions from nonstate sources to fund the program.

(3) The Department of Finance shall verify that sufficient funds exist in the SHARE Account to start the program. Upon that verification, in order to facilitate the implementation of the program, the commission shall adopt regulations and fees, in addition to those established in Section 3031, for the management and control of wildlife-dependent recreational activities on land that is subject to this article.

(c) The SHARE Account is hereby established in the Fish and Game Preservation Fund. Money deposited in the account from the sources cited in subdivision (d) shall only be used for the purposes set forth in this article and to repay the General Fund or the Fish and Game Preservation Fund, as appropriate, for any expenses incurred by the department, commission, or the Department of Finance in establishing the program.

(d) No General Fund moneys shall be used for the program. Funds may also be used for wildlife conservation purposes on lands subject to an agreement under the program. No moneys shall be available for the program unless the Legislature appropriates moneys to the department therefor.

(e) The department shall maintain data on the types of wildlife-dependent recreational activities preferred by users.

SEC. 21.5. Article 3.5 (commencing with Section 1575) is added to Chapter 5 of Division 2 of the Fish and Game Code, to read:

Article 3.5. Cooperative Hunting Areas

1575. To provide added protection for landowners from the depredation of trespassers and to provide additional hunting opportunities to public hunters and private landowners, the department may contract with landowners for the establishment of cooperative hunting areas according to terms as the respective parties may agree upon, subject to the following conditions:

(a) Cooperative deer and elk hunting areas shall be at least 5,000 acres in size, including the open, restricted, and portions thereof, and may consist of the adjoining lands of one or more owners.

(b) The boundaries of each area shall be posted by the department with a sign stating legal hunting may be allowed in the area if written permission is obtained from the owner or their duly authorized agent.

(c) The department shall enforce the trespass provisions of the Penal Code and the provisions of this code within these areas.

(d) The commission may establish regulations and set fees for the management and control of hunting in these areas.

SEC. 22. Section 2001 of the Fish and Game Code is amended to read:

2001. (a) It is unlawful to take mammals, birds, fish, reptiles, and amphibians outside of established seasons or to exceed any bag limit or possession limit established in this code or by regulations adopted by the commission. Violation of any established season, bag limit, or possession limit may be charged as a violation of this section or of the specific code section or regulation that establishes the season or limit.

(b) Unless otherwise provided, it is unlawful to possess fish, reptiles, or amphibians except during the open season where taken and for 10 days thereafter; and not more than the possession limit thereof may be possessed during the period after the close of the open season.

(c) Except as provided in Section 3080, it is unlawful to possess game birds or mammals except during the open season where taken.

SEC. 23. Section 2005 of the Fish and Game Code is amended to read: 2005. (a) Except as otherwise authorized by this section, it is unlawful to use an artificial light to assist in the taking of game birds, game mammals, or game fish, except that this section shall not apply to sport fishing in ocean waters or other waters where night fishing is permitted if the lights are not used on or as part of the fishing tackle, commercial fishing, nor to the taking of mammals, the taking of which is governed by Article 2 (commencing with Section 4180) of Chapter 3 of Part 3 of Division 4.

(b) It is unlawful for any person, or one or more persons, to throw or cast the rays of any spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest where game mammals, fur-bearing mammals, or nongame mammals are commonly found, or upon any game mammal, fur-bearing mammal, or nongame mammal, while having in his or her possession or under his or her control any firearm or weapon with which that mammal could be killed, even though the mammal is not killed, injured, shot at, or otherwise pursued.

(c) It is unlawful to use or possess at any time any infrared or similar light used in connection with an electronic viewing device or any night vision equipment, optical devices, including, but not limited to, binoculars or scopes, that use light-amplifying circuits that are electrical or battery powered, to assist in the taking of birds, mammals, amphibians, or fish.

(d) The provisions of this section do not apply to any of the following:

(1) The use of a hand-held flashlight no larger, nor emitting more light, than a two-cell, three-volt flashlight, provided that light is not affixed in any way to a weapon, or to the use of a lamp or lantern that does not cast a directional beam of light.

(2) Headlights of a motor vehicle operated in a usual manner where there is no attempt or intent to locate a game mammal, fur-bearing mammal, or nongame mammal.

(3) To the owner, or his or her employee, of land devoted to the agricultural industry while on that land, or land controlled by such an owner and in connection with the agricultural industry.

(4) To those other uses as the commission may authorize by regulation.

(e) A person shall not be arrested for violation of this section except by a peace officer.

SEC. 25. Section 2011 of the Fish and Game Code is amended to read:

2011. (a) It is unlawful for any person to take, mutilate, or destroy any bird or mammal lawfully in the possession of another.

(b) For the purpose of this section, a bird or mammal shall be deemed in possession when it is actually reduced to physical possession or when it is wounded or otherwise maimed and the person who wounded or otherwise maimed it is in hot pursuit.

SEC. 26. Section 2012 of the Fish and Game Code is amended to read:

2012. All licenses, tags, and the birds, mammals, fish, reptiles, or amphibians taken or otherwise dealt with under this code, and any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, reptiles, or amphibians shall be exhibited upon demand to

any person authorized by the department to enforce this code or any law relating to the protection and conservation of birds, mammals, fish, reptiles, or amphibians.

SEC. 29. Section 2115 of the Fish and Game Code is amended to read:

2115. The two hundred thousand dollars (\$200,000) appropriated in the Budget Act of 1997 for the purposes of this article shall be used for the Greater Sandhill crane. Any money that is not used to develop a recovery plan for that species may be used by the department to implement the recovery plan for that species. Section 2098 does not apply to any costs relating to this article.

SEC. 30. Section 2120 of the Fish and Game Code is amended to read:

2120. (a) The commission, in cooperation with the Department of Food and Agriculture, shall adopt regulations governing both (1) the entry, importation, possession, transportation, keeping, confinement, or release of any and all wild animals that will be or that have been imported into this state pursuant to this chapter, and (2) the possession of all other wild animals. The regulations shall be designed to prevent damage to the native wildlife or agricultural interests of this state resulting from the existence at large of these wild animals, and to provide for the welfare of wild animals and the safety of the public.

(b) The regulations shall also include criteria for all of the following:

(1) The receiving, processing, and issuing of a permit and conducting inspections.

(2) Contracting out inspection activities.

(3) Responding to public reports and complaints.

(4) The notification of the revocation, termination, or denial of permits, and related appeals.

(5) The method by which the department determines that the breeding of wild animals pursuant to a single event breeding permit for exhibitor or a breeding permit is necessary and will not result in unneeded or uncared for animals, and the means by which the criteria will be implemented and enforced.

(6) How a responding agency will respond to an escape of a wild animal. This shall include, but not be limited to, the establishment of guidelines for the safe recapture of the wild animal and procedures outlining when lethal force would be used to recapture the wild animal.

(c) These regulations shall be developed and adopted by the commission on or before January 1, 2007.

SEC. 31. Section 2121 of the Fish and Game Code is amended to read:

2121. No person having possession or control over any wild animal under this chapter shall intentionally free, or knowingly permit the escape, or release of such an animal, except in accordance with the regulations of the commission.

SEC. 32. Section 2127 of the Fish and Game Code is amended to read:

2127. (a) The department may reimburse eligible local entities, pursuant to a memorandum of understanding entered into pursuant to this section, for costs incurred by the eligible local entities in the administration and

enforcement of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.

(b) The department may enter into memorandums of understanding with eligible local entities for the administration and enforcement of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.

(c) The commission shall adopt regulations that establish specific criteria an eligible local entity shall meet in order to qualify as an eligible local entity.

(d) For the purposes of this division, “eligible local entity” means a county, local animal control officer, local humane society official, educational institution, or trained private individual that enters into a memorandum of understanding with the department pursuant to this section.

SEC. 33. Section 2150.3 of the Fish and Game Code is amended to read:

2150.3. (a) The director shall appoint a committee to advise the director on the humane care and treatment of wild animals.

(b) The committee shall make recommendations to the director for the establishment of standards of performance for administration and enforcement, which shall include, but are not limited to, requiring that the eligible local entity possess a knowledge of humane wild animal training methods.

(c) The committee shall make recommendations to the director as to the frequency of inspections necessary for the enforcement and administration of any provision concerning the possession of, handling of, care for, or holding facilities provided for, a wild animal designated pursuant to Section 2118.

(d) The committee shall advise and assist the director in entering into memorandums of understanding with eligible local entities and in determining whether the memorandums of understanding meet the requirements of this chapter.

SEC. 34. Section 2150.4 of the Fish and Game Code is amended to read:

2150.4. (a) The department or an eligible local entity shall inspect the wild animal facilities, as determined by the director’s advisory committee, of each person holding a permit issued pursuant to Section 2150 authorizing the possession of a wild animal.

(b) In addition to the inspections specified in subdivision (a), the department or an eligible local entity, pursuant to the regulations of the commission, may inspect the facilities and care provided for the wild animal of any person holding a permit issued pursuant to Section 2150 for the purpose of determining whether the animal is being cared for in accordance with all applicable statutes and regulations. The department shall collect an inspection fee, in an amount determined by the department pursuant to Section 2150.2.

(c) No later than January 1, 2009, the department, in cooperation with the committee created pursuant to Section 2150.3, shall develop, implement, and enter into memorandums of understanding with eligible local entities

if the department elects not to inspect every wild animal facility pursuant to subdivisions (a) and (b). Eligible local entities shall meet the criteria established in regulations adopted pursuant to subdivision (b) of Section 2157.

SEC. 35. Section 2150.5 of the Fish and Game Code, as added by Section 8 of Chapter 789 of the Statutes of 1990, is repealed.

SEC. 36. Section 2186 of the Fish and Game Code is amended to read:

2186. (a) If during inspection upon arrival any wild animal is found to be diseased, or there is reason to suspect the presence of disease, or there is reason to suspect the presence of disease that is or may be detrimental to agriculture, to native wildlife, or to the public health or safety, the diseased animal, and if necessary, the entire shipment shall be destroyed by, or under the supervision of, the enforcing officer, unless no detriment can be caused by its detention in quarantine for a time and under conditions satisfactory to the enforcing officer for disinfection, treatment, or diagnosis, or no detriment can be caused by its return to its point of origin at the option and expense of the owner or possessor.

(b) Notwithstanding Section 2117, for the purposes of this section, “enforcing officer” means the enforcement personnel of the department, the state plant quarantine officers, and county agricultural commissioners.

SEC. 37. Section 2187 of the Fish and Game Code is amended to read:

2187. (a) Whenever any wild animal is brought into this state under permit, as provided in this chapter, the enforcing officers may, from time to time, examine the conditions under which that species is kept, and report to the department any suspicion or knowledge of any disease or violations of the conditions of the permit or of the regulations promulgated under this chapter. The enforcing officer may order the transfer of the animal to new owners or the correction of the conditions under which the species is being kept if not in conformance with the terms of the permit, at the expense of the owner or possessor. If neither transfer or improvement of conditions is accomplished, the officer may order destruction of the animal.

(b) Notwithstanding Section 2117, for the purposes of this section, “enforcing officer” means the enforcement personnel of the department, the state plant quarantine officers, and county agricultural commissioners.

SEC. 38. Section 2189 of the Fish and Game Code is amended to read:

2189. (a) As used in this section “nonnative wild animal” means any nonnative animal species, or hybrid thereof, that is not normally domesticated pursuant to this code or regulations adopted pursuant thereto and that is not designated as a furbearing, game, nongame, threatened, or endangered animal.

(b) No person shall import into this state any live nonnative wild animal except pursuant to this chapter or regulations adopted pursuant thereto.

(c) Any live nonnative wild animal that is possessed or transported within this state in violation of this chapter or regulations adopted pursuant thereto shall be disposed of in accordance with regulations adopted pursuant to Section 2122, at the expense of the owner or possessor. The owner or

possessor shall pay the costs associated with the seizure, care, holding, transfer, and destruction of the animal.

(d) Any live, nonnative wild animal found at large within this state shall be either summarily destroyed or, if captured, shall be confined for not less than 72 hours following notification of the local humane society. Any local, state, or federal governmental agency that has public safety responsibilities is authorized to implement this subdivision.

(e) If, during the 72-hour holding period, any person claims ownership of the animal, that person shall only be allowed to dispose of the animal pursuant to subdivision (c).

(f) After the 72-hour holding period, if the animal is unclaimed, it shall be disposed of in accordance with regulations adopted pursuant to Section 2122 unless the animal is listed as a threatened or endangered species by either state or federal regulation. Notwithstanding subdivision (c), if the animal is listed as a threatened or endangered species in either regulation, the department shall be notified of the animal's location and the department shall be responsible for proper disposition.

SEC. 39. Section 2192 of the Fish and Game Code is amended to read:

2192. Notwithstanding Part 2.5 (commencing with Section 18900) of Division 13 of the Health and Safety Code, Section 11356 of the Government Code, or any other provision of law, regulations of the commission relating to the construction, fixtures, and other minimum caging standards adopted by the commission for the confinement of live wild animals pursuant to this chapter are not building standards subject to the approval of the State Building Standards Commission.

SEC. 40. Section 2345 of the Fish and Game Code is amended to read:

2345. This article applies to all dead wild birds, mammals, fish, reptiles, and amphibians. This article also applies to live mollusks and crustaceans that are transported for purposes other than placement in the waters of this state. This article does not apply to animals imported for purposes of aquaculture under Division 12 (commencing with Section 15000).

SEC. 41. Section 2346 of the Fish and Game Code is amended to read:

2346. It is unlawful for a common carrier or his or her agent to transport for, or to receive for transportation from, any one person, during any interval of time, more than the bag limit of birds, mammals, fish, reptiles, or amphibians that may legally be taken and possessed by that person during that interval.

SEC. 42. Section 2347 of the Fish and Game Code is amended to read:

2347. It is unlawful for any person to offer for transportation by common carrier during any interval of time more than the bag limit of birds, mammals, fish, reptiles, or amphibians that may legally be taken and possessed by that person during that interval.

SEC. 43. Section 2348 of the Fish and Game Code is amended to read:

2348. (a) Any package in which birds, mammals, fish, reptiles, or amphibians, or parts thereof, are offered for transportation to, or are transported or received for transportation by, a common carrier or his or her agent shall bear the name and address of the shipper and of the consignee

and an accurate description of the numbers and kinds of birds, mammals, fish, reptiles, or amphibians contained therein clearly and conspicuously marked on the outside thereof.

(b) Licensed commercial fishermen and licensed commercial fish dealers are subject to all of the provisions of this section, except that commercial shipments of fish may be indicated by total net weight of each species instead of by numbers.

SEC. 44. Section 2349 of the Fish and Game Code is amended to read:

2349. No bird, mammal, fish, reptile, or amphibian, except smoked, cured, or dried fish other than trout, may be shipped by parcel post.

SEC. 45. Section 2353 of the Fish and Game Code is amended to read:

2353. (a) Birds, mammals, fish, reptiles, or amphibians shall not be imported or possessed in this state unless all of the following requirements are met:

(1) The animals were legally taken and legally possessed outside of this state.

(2) This code and regulations adopted pursuant thereto do not expressly prohibit their possession in this state.

(3) A declaration is submitted to the department or a designated state or federal agency at or immediately before the time of entry, in the form and manner prescribed by the department.

(b) Birds, mammals, fish, reptiles, or amphibians legally taken and legally possessed outside of this state may be imported into this state and possessed without a declaration if the shipment is handled by a common carrier under a bill of lading or as supplies carried into this state by common carriers for use as food for the passengers.

(c) The commission and the department shall not modify this section by any regulation that would prohibit the importation of lawfully killed migratory game birds taken in any other state or country and transported into this state pursuant to the migratory bird regulations adopted annually by the Secretary of the Interior.

SEC. 46. Section 2362 of the Fish and Game Code is amended to read:

2362. Yellowtail, barracuda, and white seabass taken in waters lying south of the maritime boundary line between the United States and Mexico, with that maritime boundary line including, but not limited to, the federal Exclusive Economic Zone boundary, may be delivered to California ports aboard boats, including boats carrying purse seine or round haul nets in accordance with those regulations as the commission may make governing the inspection and marking of those fish imported into this state. The cost of that inspection and marking shall be paid by the importer. Fish taken in Mexico shall not be imported unless legally taken and legally possessed and a declaration is submitted to the department pursuant to Section 2353.

SEC. 47. Section 2535 of the Fish and Game Code is amended to read:

2535. As used in this chapter, “guide” means any person who is engaged in the business of packing or guiding, or who, for a fee, assists another person in taking or attempting to take any bird, mammal, fish, amphibian,

or reptile. “Guide” also includes any person who, for profit, transports other persons, their equipment, or both to or from a hunting or fishing area.

SEC. 48. Section 3001 of the Fish and Game Code is amended to read:

3001. It is unlawful to take birds or mammals with firearms, BB devices as defined in subdivision (g) of Section 12001 of the Penal Code, crossbows, or with bow and arrow when intoxicated.

SEC. 49. Section 3003.5 of the Fish and Game Code is amended to read:

3003.5. It is unlawful to pursue, drive, or herd any bird or mammal with any motorized water, land, or air vehicle, including, but not limited to, a motor vehicle, airplane, powerboat, or snowmobile, except in any of the following circumstances:

(a) On private property by the landowner or tenant thereof to haze birds or mammals for the purpose of preventing damage by that wildlife to private property.

(b) Pursuant to a permit from the department issued under regulations as the commission may prescribe.

(c) In the pursuit of agriculture.

SEC. 50. Section 3004 of the Fish and Game Code is amended to read:

3004. (a) It is unlawful for any person, other than the owner, person in possession of the premises, or a person having the express permission of the owner or person in possession of the premises, to hunt or to discharge while hunting, any firearm or other deadly weapon within 150 yards of any occupied dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith. The 150-yard area is a “safety zone.”

(b) It is unlawful for any person to intentionally discharge any firearm or release any arrow or crossbow bolt over or across any public road or way open to the public, in an unsafe manner.

SEC. 51. Section 3005.9 of the Fish and Game Code is repealed.

SEC. 52. Section 3005.91 of the Fish and Game Code is repealed.

SEC. 53. Section 3005.92 of the Fish and Game Code is repealed.

SEC. 54. Section 3005.93 of the Fish and Game Code is repealed.

SEC. 55. Section 3005.94 of the Fish and Game Code is repealed.

SEC. 56. Section 3007 of the Fish and Game Code is amended to read:

3007. Except as provided in this code or regulations adopted pursuant thereto, every person who takes any bird or mammal shall procure a license or entitlement therefor.

SEC. 57. Section 3031.2 of the Fish and Game Code is amended to read:

3031.2. (a) In addition to Sections 714 and 3031, and notwithstanding Section 3037, the department shall issue lifetime hunting licenses under this section. A lifetime hunting license authorizes the taking of birds and mammals anywhere in this state in accordance with the law for purposes other than profit for the life of the person to whom issued unless revoked for a violation of this code or regulations adopted under this code. A lifetime hunting license is not transferable. A lifetime hunting license does not include any special tags, stamps, or fees.

(b) A lifetime hunting license may be issued to residents of this state, as follows:

(1) To a person 62 years of age or over, upon payment of a base fee of three hundred sixty-five dollars (\$365).

(2) To a person 40 years of age or over, and less than 62 years of age, upon payment of a base fee of five hundred forty dollars (\$540).

(3) To a person 10 years of age or over, and less than 40 years of age, upon payment of a base fee of six hundred dollars (\$600).

(4) To a person less than 10 years of age, upon payment of a base fee of three hundred sixty-five dollars (\$365).

(c) Nothing in this section requires a person less than 16 years of age to obtain a license to take birds or mammals except as required by law.

(d) Nothing in this section exempts an applicant for a license from meeting other qualifications or requirements otherwise established by law for the privilege of sport hunting.

(e) The base fees specified in this section are applicable commencing January 1, 2004, and shall be adjusted annually thereafter pursuant to Section 713.

SEC. 58. Section 3050 of the Fish and Game Code is amended to read:

3050. (a) No hunting license may be issued to any person unless he or she presents to the person authorized to issue that license any of the following:

(1) Evidence that he or she has held a hunting license issued by this state in a prior year.

(2) Evidence that he or she holds a current hunting license, or a hunting license issued in either of the two previous hunting years by another state or province.

(3) A certificate of completion of a course in hunter education, principles of conservation, and sportsmanship, as provided in this article. A hunter education instruction validation stamp shall be permanently affixed to certificates of completion that have been issued before January 1, 2008.

(4) A certificate of successful completion of a hunter education course in another state or province.

(5) Evidence of completion of a course in hunter education, principles of conservation, and sportsmanship, which the commission may, by regulation, require.

(b) The evidence required in subdivision (a) shall be forwarded to the department with the license agent's report of hunting license sales as required pursuant to Section 1055.5.

(c) Subdivision (a) does not apply to any person purchasing a hunting license under paragraph (5) of subdivision (a) of Section 3031. However, that license shall not qualify as evidence required in subdivision (a) of this section.

SEC. 59. Section 3051 of the Fish and Game Code is amended to read:

3051. (a) The department shall provide for a course of instruction in hunter education, principles of conservation, and sportsmanship, and for this purpose may cooperate with any reputable association or organization

having as one of its objectives the promotion of hunter safety, principles of conservation, and sportsmanship.

(b) The department may designate as a hunter education instructor any person found by it to be competent to give instruction in the courses required in this article. A person so appointed shall give that course of instruction, and, upon completion thereof, shall issue to the person instructed a certificate of completion as provided by the department in hunter safety, principles of conservation, and sportsmanship.

(c) The department shall prescribe a minimum level of skill and knowledge to be required of all hunter education instructors, and may limit the number of students per instructor in all required classes.

(d) The department may revoke the certificate of any instructor when, in the opinion of the department, it is in the best interest of the state to do so.

SEC. 60. Section 3054 of the Fish and Game Code is amended to read: 3054. The department shall furnish information on hunter safety, principles of conservation, and sportsmanship that shall be distributed free of charge to persons designated as hunter education instructors for instructional purposes.

SEC. 61. Section 3055 of the Fish and Game Code is repealed.

SEC. 62. Section 3055.1 of the Fish and Game Code is repealed.

SEC. 63. Section 3080 of the Fish and Game Code is amended to read:

3080. (a) For the purposes of this section, “donor intermediary” means a recipient who receives game birds or mammals from a donor to give to a charitable organization or charitable entity. A donor intermediary possessing game birds or mammals during a period other than the open season shall have the documentation described in paragraph (2) or (3) of subdivision (b). There is no required format for the documentation. Any written documentation containing the required information shall be deemed to comply with this section.

(b) The possession limit of any game bird or mammal may be possessed during a period other than the open season if one of the following conditions apply:

(1) The person has in his or her possession a hunting license and validated tag or tags for the species possessed, or copies thereof. The license and tag or tags shall have been issued to that person for the current or immediate past license year.

(2) The person received the game bird or mammal from a person described in paragraph (1), and the recipient has a photocopy of the donor’s hunting license and the applicable validated tag or tags that has been signed and dated by the donor confirming the donation. The photocopied license and tag or tags shall be from the current or immediate past license year.

(3) The person received the game bird or mammal from a person described in paragraph (1), and the recipient has a signed and dated document confirming the donation that includes the donor’s name, address, hunting license number, and applicable tag numbers for the species possessed. The

license and tag or tags shall be for the current or immediate past license year.

(c) The documentation required by subdivision (b) shall be made available to the department as described in Section 2012. Charitable organizations or charitable entities receiving and distributing game birds or mammals for charitable or humane purposes, shall maintain the documentation described in paragraph (2) or (3) of subdivision (b) for one year from the date of disposal.

(d) Nothing in this section authorizes the possession of game birds or carcasses or parts thereof contrary to regulations issued pursuant to the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.).

SEC. 64. Section 3087 of the Fish and Game Code is amended to read:

3087. (a) (1) Every person who prepares, stuffs, or mounts the skin of any fish, reptile, amphibian, bird, or mammal for another person for a fee shall make and keep an accurate and detailed record, as prescribed by regulations of the commission, regarding all fish, reptile, amphibian, bird, or mammal carcasses, skins, or parts thereof that are acquired, possessed, or stored for taxidermy purposes.

(2) The record required by this section shall be made at the time the fish, reptile, amphibian, bird, or mammal carcasses, skins, or parts thereof, are received, and shall include the name and address of each person from and to whom fish, reptile, amphibian, bird, or mammal carcasses, skins, or parts thereof are received or delivered and the number and species of all fish, reptile, amphibian, bird, or mammal carcasses, skins, or parts thereof received or delivered. The record shall be open for inspection at all times pursuant to regulations adopted by the commission.

(b) (1) Where a taxidermist has prepared, stuffed, or mounted the skin of any fish, reptile, amphibian, bird, or mammal for another person and that person does not pay the cost thereof, or take delivery thereof, the taxidermist may sell the skin only if the commission adopts regulations permitting the sale.

(2) The commission may adopt regulations permitting a sale pursuant to Chapter 6 (commencing with Section 3046) of Title 14 of Part 4 of Division 3 of the Civil Code, and may adopt any other regulations governing the sale, including, but not limited to, regulations that require a taxidermist to record, and provide to the department, the name and address of any person failing to pay for work performed on a skin, that list species of fish, reptiles, amphibians, birds, or mammals whose prepared skins shall not be sold, and that limit the sales price of prepared skins to the actual cost of preparation.

(3) The commission may adopt regulations permitting a sale of a prepared skin pursuant to this subdivision only if the commission also adopts regulations that require the posting of a notice or otherwise giving notice at the place of business of the taxidermist informing patrons of this subdivision and regulations adopted pursuant thereto.

SEC. 65. Section 3242 of the Fish and Game Code is amended to read:

3242. Upon submission of a completed application on a form approved by the commission, a commercial hunting club license shall be issued to

any person upon the payment of a base fee of one hundred sixty-five dollars (\$165), as adjusted under Section 713.

SEC. 66. Section 3304 of the Fish and Game Code is repealed.

SEC. 67. Section 3500 of the Fish and Game Code is amended to read: 3500. (a) Resident game birds are as follows:

(1) Doves of the genus *Streptopelia*, including, but not limited to, spotted doves, ringed turtledoves, and Eurasian collared-doves.

(2) California quail and varieties thereof.

(3) Gambel's or desert quail.

(4) Mountain quail and varieties thereof.

(5) Sooty or blue grouse and varieties thereof.

(6) Ruffed grouse.

(7) Sage hens or sage grouse.

(8) Hungarian partridges.

(9) Red-legged partridges including the chukar and other varieties.

(10) Ring-necked pheasants and varieties thereof.

(11) Wild turkeys of the order Galliformes.

(b) Migratory game birds are as follows:

(1) Ducks and geese.

(2) Coots and gallinules.

(3) Jacksnipe.

(4) Western mourning doves.

(5) White-winged doves.

(6) Band-tailed pigeons.

(c) References in this code to "game birds" means both resident game birds and migratory game birds.

SEC. 68. Section 3680 of the Fish and Game Code is amended to read:

3680. Any person, other than the owner thereof, who at any time, by any means or in any manner, purposely takes any racing pigeon currently registered with a recognized organization, is guilty of a misdemeanor. However, the incidental take of registered racing pigeons with the shooting or taking of wild band-tailed pigeons or domestic pigeons (*Columba livia*), is not a violation of this section.

SEC. 69. Section 3683 of the Fish and Game Code is amended to read:

3683. Upland game bird species include both of the following:

(a) All of the following resident game birds:

(1) Doves of the genus *Streptopelia*, including, but not limited to, spotted doves, ringed turtledoves, and Eurasian collared doves.

(2) California quail and varieties thereof.

(3) Gambel's or desert quail.

(4) Mountain quail and varieties thereof.

(5) Sooty or blue grouse.

(6) Ruffed grouse.

(7) Sage hens or sage grouse.

(8) White-tailed ptarmigan.

(9) Hungarian partridges.

(10) Red-legged partridges including the chukar and other varieties.

- (11) Ring-necked pheasants and varieties thereof.
- (12) Wild turkeys.
- (b) All of the following migratory game birds:
 - (1) Jacksnipe.
 - (2) Western mourning doves.
 - (3) White-winged doves.
 - (4) Band-tailed pigeons.

SEC. 70. Section 3801 of the Fish and Game Code is amended to read:

3801. Notwithstanding Section 3007 or any other provision of this code or regulations made pursuant thereto requiring the possession of a hunting license, a landowner or lessee or agent of either in immediate possession of written authority from the landowner or lessee, shall not be required to obtain a hunting license or a depredation permit to take the following nongame birds on land owned or leased by the landowner or lessee. Hunters otherwise taking the following nongame birds shall be licensed pursuant to Section 3007. The following nongame birds taken in compliance with this section may be taken and possessed by any person at any time, except as provided in Section 3000:

- (a) English sparrows (*Passer domesticus*).
- (b) Starlings (*Sturnus vulgaris*).

SEC. 71. Section 3801.6 of the Fish and Game Code is amended to read:

3801.6. (a) Except as otherwise provided in this code or regulations made pursuant thereto, it is unlawful to possess the carcass, skin, or parts of any nongame bird. The feathers, carcass, skin, or parts of any nongame bird possessed by any person in violation of any of the provisions of this code shall be seized by the department and delivered to a California Native American tribal government or a scientific or educational institution, used by the department, or destroyed.

(b) (1) It shall be an affirmative defense to a violation of this section if the possessor of feathers, carcass, skin, or parts of a nongame bird legally acquired the feathers, carcass, skin, or parts, possesses them for tribal, cultural, or spiritual purposes, and satisfies either of the following criteria:

(A) The possessor is an enrolled member of a federally recognized Native American tribe or nonfederally recognized California Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission who has, in his or her immediate possession, valid tribal identification or other irrefutable proof of current enrollment.

(B) The possessor has a certificate of degree of Indian blood issued by the United States Bureau of Indian Affairs in his or her immediate possession.

(2) Nothing in this section allows any person to sell nongame bird feathers, carcasses, skins, or parts. Native Americans meeting the affirmative defense requirements may salvage dead nongame birds so long as the person salvaging these birds does not possess, nor is in the company of any person who possesses, a firearm, BB device as defined in subdivision (g) of Section 12001 of the Penal Code, trap, snare, net archery equipment, device capable of discharging a projectile, or any apparatus designed to take birds. Salvaging

shall not take place by any person involved in the take of the nongame bird to be salvaged, any person present at the time of the take, or by any person who received related information originating from any person present at the time of the take of the nongame bird. Salvaging pursuant to this subdivision shall not take place if a bird has been struck with any thrown or discharged projectile, trapped, netted, caught, or snared.

(c) Notwithstanding subdivisions (a) and (b), any officer deputized pursuant to this code may interrupt any ongoing salvaging of dead nongame carcasses, feathers, skins, or parts if, in the officer's judgment, the activity causes a public disruption, safety hazard, or is detrimental to the ability of the department to prevent a possible violation of this section. The officer may seize any of the salvaged feathers, carcasses, skins, or parts and has the option of returning them to the general location from where they were salvaged.

SEC. 72. Section 3803 of the Fish and Game Code is amended to read:

3803. The department may take any individual bird, or birds of any species, that, in its opinion, are unduly preying upon any species of bird, mammal, reptile, amphibian, or fish.

SEC. 73. Section 4000 of the Fish and Game Code is amended to read:

4000. The following are fur-bearing mammals: pine marten, fisher, mink, river otter, gray fox, red fox, kit fox, raccoon, beaver, badger, and muskrat.

SEC. 74. Section 4001 of the Fish and Game Code is repealed.

SEC. 75. Section 4005 of the Fish and Game Code is amended to read:

4005. (a) Except as otherwise provided in this section, every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the commission or who sells raw furs of those mammals, shall procure a trapping license. "Raw fur" means any fur, pelt, or skin that has not been tanned or cured, except that salt-cured or sun-cured pelts are raw furs.

(b) The department shall develop standards that are necessary to ensure the competence and proficiency of applicants for a trapping license. No person shall be issued a license until he or she has passed a test of his or her knowledge and skill in this field.

(c) Persons trapping mammals in accordance with Section 4152 or 4180 are not required to procure a trapping license except when providing trapping services for profit.

(d) No raw furs taken by persons providing trapping services for profit may be sold.

(e) The license requirement imposed by this section does not apply to any of the following:

(1) Officers or employees of federal, county, or city agencies or the department, when acting in their official capacities, or officers or employees of the Department of Food and Agriculture when acting pursuant to the Food and Agricultural Code pertaining to pests or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code.

(2) Structural pest control operators licensed pursuant to Chapter 14 (commencing with Section 8500) of Division 3 of the Business and Professions Code, when trapping rats, mice, voles, moles, or gophers.

(3) Persons and businesses licensed or certified by the Department of Pesticide Regulation pursuant to Chapter 4 (commencing with Section 11701) and Chapter 8 (commencing with Section 12201) of Division 6 of, and Chapter 3.6, (commencing with Section 14151) of Division 7 of, the Food and Agricultural Code, when trapping rats, mice, voles, moles, or gophers.

(f) Except for species that are listed pursuant to Chapter 1.5 (commencing with Section 2050) of Division 3 or Chapter 8 (commencing with Section 4700), nothing in this code or regulations adopted pursuant thereto shall prevent or prohibit a person from trapping any of the following animals:

- (1) Gophers.
- (2) House mice.
- (3) Moles.
- (4) Rats.
- (5) Voles.

SEC. 76. Section 4012 of the Fish and Game Code is amended to read: 4012. It is unlawful to take any red fox for profitmaking purposes.

SEC. 77. Section 4152 of the Fish and Game Code is amended to read:

4152. (a) Except as provided in Section 4005, nongame mammals and black-tailed jackrabbits, muskrats, subspecies of red fox that are not the native Sierra Nevada red fox (*Vulpes vulpes necator*), and red fox squirrels that are found to be injuring growing crops or other property may be taken at any time or in any manner in accordance with this code and regulations adopted pursuant to this code by the owner or tenant of the premises or employees and agents in immediate possession of written permission from the owner or tenant thereof. They may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city officers or employees when acting in their official capacities pursuant to the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code. Persons taking mammals in accordance with this section are exempt from Section 3007, except when providing trapping services for a fee. Raw furs, as defined in Section 4005, that are taken under this section, shall not be sold.

(b) Traps used pursuant to this section shall be inspected and all animals in the traps shall be removed at least once daily. The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.

SEC. 78. Section 4180 of the Fish and Game Code is amended to read:

4180. (a) Except as provided for in Section 4005, fur-bearing mammals that are injuring property may be taken at any time and in any manner in accordance with this code or regulations made pursuant to this code. Raw furs, as defined in Section 4005, that are taken under this section, shall not be sold.

(b) Traps used pursuant to this section shall be inspected and all animals in the traps shall be removed at least once daily. The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or an agent of either.

SEC. 81. Section 4181.5 of the Fish and Game Code is amended to read:

4181.5. (a) Any owner or tenant of land or property that is being damaged or destroyed or is in immediate danger of being damaged or destroyed by deer may apply to the department for a permit to kill those deer. The department, upon satisfactory evidence of that damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of those deer for a designated period not to exceed 60 days under regulations promulgated by the commission.

(b) The regulations of the commission shall include provisions concerning the type of weapons to be used to kill the deer. The weapons shall be those as will ensure humane killing, but the regulations of the commission shall provide for the use of a sufficient variety of weapons to permit the designation of particular types to be used in any particular locality commensurate with the need to protect persons and property. Firearms using .22-caliber rimfire cartridges may be used only when authorized by the director or his designee. No pistols shall be used. The caliber and type of weapon to be used by each permittee shall be specified in each permit by the issuing officer who shall take into consideration the location of the area, the necessity for clean kills, the safety factor, local firearms ordinances, and other factors that apply. Rifle ammunition used shall have expanding bullets; shotgun ammunition shall have only single slugs, or, if authorized by the department, 0 or 00 buckshot.

(c) The department shall issue tags similar to those provided for in Section 4331 at the same time the permit is issued. A permittee under this section shall carry the tags while hunting deer, and upon the killing of any deer, shall immediately fill out both parts of the tag and punch out clearly the date of the kill. One part of the tag shall be immediately attached to the antlers of antlered deer or to the ear of any other deer and kept attached until 10 days after the permit has expired. The other part of the tag shall be immediately sent to the department after it has been countersigned by any person authorized by Section 4341.

(d) A permit issued pursuant to this section may be renewed only after a finding by the department that further damage has occurred or will occur unless that permit is renewed. A person seeking renewal of the permit shall account for all prior tags issued at the time he or she received any prior permits, and if any tags are unused, he or she shall show either that any deer killed could not reasonably be tagged or why the killing was not accomplished within the allotted time and why that killing would be accomplished under a new time period.

SEC. 82. Section 4186 of the Fish and Game Code is amended to read:

4186. Nothing in this code prohibits the owner or tenant of land, or any person authorized in writing by that owner or tenant, from taking cottontail or brush rabbits during any time of the year when damage to crops or forage

is being experienced on that land. Any person other than the owner or tenant of the land shall have in possession when transporting rabbits from the property, written authority from the owner or tenant of land where those rabbits were taken. Rabbits taken under this section shall not be sold.

SEC. 83. Section 4330 of the Fish and Game Code is amended to read:

4330. It is unlawful to take any deer without first procuring a deer tag or permit authorizing the taking of that deer.

SEC. 84. Section 4331 of the Fish and Game Code is amended to read:

4331. The commission may determine the design and makeup of the deer tag and prescribe the procedures for issuance and use.

SEC. 85. Section 4332 of the Fish and Game Code is amended to read:

4332. (a) Any resident of this state, 12 years of age or over, who possesses a valid hunting license, may procure one tag for the taking of one deer by one person during the current license year, upon payment of the base fee of ten dollars (\$10) for the license year beginning July 1, 1986, and the base fee as adjusted under Section 713 for subsequent license years.

(b) Any nonresident of this state, 12 years of age or over, who possesses a valid hunting license, may procure one tag for the taking of one deer by one person during the current license year, upon payment of the base fee of one hundred dollars (\$100) for the license year beginning July 1, 1986, and the base fee as adjusted under Section 713 for subsequent license years.

(c) If provided in regulations adopted by the commission under Section 200, any resident of this state, 12 years of age or over, who possesses a deer tag may procure one additional deer tag for the taking of one additional deer during the current license season, upon payment of the base fee of twelve dollars and fifty cents (\$12.50) for the license years beginning July 1, 1986, and the base fee as adjusted under Section 713 for subsequent license years.

(d) If provided in regulations adopted by the commission under Section 200, any nonresident of this state, 12 years of age or over, who possesses a deer tag may procure one additional deer tag for the taking of one additional deer during the current license season, upon payment of the base fee of one hundred dollars (\$100) for the license year beginning July 1, 1986, and the base fee as adjusted under Section 713 for subsequent license years.

(e) The revenue received pursuant to this section shall be deposited in the Fish and Game Preservation Fund, and, notwithstanding Section 13340 of the Government Code, 54 percent of the amount deposited in that fund pursuant to this section each year is hereby continuously appropriated to the department for expenditure for the purpose of implementing the deer herd management plans prepared pursuant to Chapter 5 (commencing with Section 450) of Division 1.

The amount appropriated for implementation of deer herd management plans by this subdivision is intended to be in addition to, and not a replacement for, the funds budgeted in that year or the previous year to the department from the Fish and Game Preservation Fund for deer management.

SEC. 86. Section 4333 of the Fish and Game Code is amended to read:

4333. Tags are valid only during that portion of the current hunting license year in which deer may be taken or possessed in any area.

SEC. 87. Section 4334 of the Fish and Game Code is amended to read:

4334. The commission shall annually direct the department to authorize, pursuant to Sections 1054.6 and 1054.8, the sale of not more than 10 deer tags solely for the purpose of raising funds for programs and projects to benefit deer. These tags may be sold to residents or nonresidents of the State of California at auction or by any other method and are not subject to the fees prescribed by Section 4332. Notwithstanding Section 13340 of the Government Code, all funds derived from the sale of these tags is hereby continuously appropriated to the department to be used for the Deer Herd Management Plan Implementation Program. These funds shall augment, not supplant, any other funds appropriated to the department for the preservation, restoration, utilization, and management of deer. All revenues derived from the sale of these tags shall be remitted to the department by the seller.

SEC. 88. Section 4336 of the Fish and Game Code is amended to read:

4336. (a) The person to whom a deer tag has been issued shall carry the tag while hunting deer. Upon the killing of any deer, that person shall immediately fill out the tag completely, legibly, and permanently, and cut out or punch out and completely remove notches or punch holes for the month and date of the kill. The deer tag shall be immediately attached to the antlers of antlered deer or to the ear of any other deer and kept attached during the open season and for 15 days thereafter. The holder of the deer tag shall immediately, upon harvesting a deer, notify the department in a manner specified by the commission.

(b) Except as otherwise provided by this code or regulation adopted pursuant to this code, it is unlawful to possess any untagged deer.

SEC. 89. Section 4340 of the Fish and Game Code is amended to read:

4340. (a) Any person who is convicted of a violation of any provision of this code, or of any rule, regulation, or order made or adopted under this code, relating to deer shall forfeit his or her deer tags, and no new deer tags shall be issued to that person during the then current license year for hunting licenses.

(b) No person described in subdivision (a) may apply for deer tags for the following license year.

SEC. 90. Section 4341 of the Fish and Game Code is amended to read:

4341. Any person legally killing a deer in this state shall have the tag countersigned by a person employed in the department, a person designated for this purpose by the commission, or by a notary public, postmaster, postmistress, peace officer, or an officer authorized to administer oaths, before transporting such deer, except for the purpose of taking it to the nearest person authorized to countersign the tag, on the route being followed from the point where the deer is taken.

SEC. 91. Section 4652 of the Fish and Game Code is amended to read:

4652. It is unlawful to take any wild pig, except as provided in Section 4181, without first procuring a tag authorizing the taking of that wild pig in accordance with this chapter.

SEC. 92. Section 4653 of the Fish and Game Code is amended to read:

4653. The department may determine the design and type of information to be included on the wild pig tag and prescribe the procedures for the issuance and use of the tag.

SEC. 93. Section 4655 of the Fish and Game Code is amended to read:

4655. Wild pig tags are valid only during that portion of the current hunting license year in which wild pigs may be taken or possessed in any area of the state.

SEC. 94. Section 4657 of the Fish and Game Code is amended to read:

4657. The holder of a wild pig tag shall keep the tag in his or her possession while hunting wild pig. Before the taking of any wild pig, the holder of a wild pig tag, except for wild pig tags issued through the Automated License Data System, shall legibly write or otherwise affix his or her hunting license number to the wild pig tag. Upon the killing of any wild pig, the date of the kill shall be clearly marked by the holder of the tag on both parts of the tag. Before transporting the pig, a tag shall be attached to the carcass by the holder of the tag. The holder of the wild pig tag shall immediately, upon harvesting a pig, notify the department in a manner specified by the commission.

SEC. 95. Section 4750 of the Fish and Game Code is amended to read:

4750. It is unlawful to take any bear with firearm, trap, or bow and arrow without first procuring a tag authorizing the taking of that bear in accordance with this chapter, but no iron or steel-jawed or any type of metal-jawed trap shall be used to take any bear.

SEC. 96. Section 4751 of the Fish and Game Code is amended to read:

4751. (a) Any resident of this state, 12 years of age or over, who possesses a valid hunting license, may procure the number of bear tags corresponding to the number of bear that may legally be taken by one person during the current license year, upon payment of a base fee of fifteen dollars (\$15), as adjusted under Section 713, for each bear tag.

(b) Any nonresident of this state, 12 years of age or over, who possesses a valid California hunting license, may procure the number of bear tags corresponding to the number of bear that may be legally taken by one person during the current license year upon payment of the base fee of one hundred five dollars (\$105), as adjusted under Section 713, for each bear tag.

SEC. 97. Section 4752 of the Fish and Game Code is amended to read:

4752. Bear tags are valid only during that portion of the current hunting license year in which bear may be taken or possessed in any district.

SEC. 98. Section 4753 of the Fish and Game Code is amended to read:

4753. The person to whom a bear tag has been issued shall carry the tag while hunting bear. Upon the killing of any bear, that person shall immediately fill out the tag completely, legibly, and permanently, and cut out or punch out and completely remove notches or punch holes for the month and the date of the kill. One part of the tag shall be immediately attached to the ear of the bear and kept attached during the open season and for 15 days thereafter. The holder of the bear tag shall immediately, upon harvesting a bear, notify the department in a manner specified by the

commission. Except as otherwise provided by this code or regulations adopted pursuant to this code, it is unlawful to possess any untagged bear.

SEC. 99. Section 4754 of the Fish and Game Code is amended to read:

4754. (a) Any person who is convicted of a violation of any provision of this code, or of any rule, regulation, or order made or adopted under this code, relating to bears shall forfeit his or her bear tags, and new bear tags shall not be issued to that person during the then current license year for hunting licenses.

(b) A person described in subdivision (a) shall not apply for bear tags for the following license year.

SEC. 100. Section 4755 of the Fish and Game Code is amended to read:

4755. Any person legally killing a bear in this state shall have the tag countersigned by a fish and game commissioner, a person employed in the department, a person designated for this purpose by the commission, or by a notary public, postmaster, postmistress, peace officer or by an officer authorized to administer oaths, before transporting that bear except for the purpose of taking it to the nearest officer authorized to countersign the tag, on the route being followed from the point where the bear is taken.

SEC. 101. Section 4902 of the Fish and Game Code is amended to read:

4902. (a) The commission may adopt all regulations necessary to provide for biologically sound management of Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*).

(b) (1) After the plans developed by the department pursuant to Section 4901 for the management units have been submitted, the commission may authorize sport hunting of mature Nelson bighorn rams. Before authorizing the sport hunting, the commission shall take into account the Nelson bighorn sheep population statewide, including the population in the management units designated for hunting.

(2) Notwithstanding Section 219, the commission shall not, however, adopt regulations authorizing the sport hunting in a single year of more than 15 percent of the mature Nelson bighorn rams in a single management unit, based on the department's annual estimate of the population in each management unit.

(c) The fee for a tag to take a Nelson bighorn ram may be determined by the commission, but shall not exceed five hundred dollars (\$500).

(d) The commission shall annually direct the department to authorize not more than three of the tags available for issuance that year to take Nelson bighorn rams for the purpose of raising funds for programs and projects to benefit Nelson bighorn sheep. These tags may be sold to residents or nonresidents of the State of California at auction or by another method and shall not be subject to the fee limitation prescribed in subdivision (c). Commencing with tags sold for the 1993 hunting season, if more than one tag is authorized, the department shall designate a nonprofit organization organized pursuant to the laws of this state, or the California chapter of a nonprofit organization organized pursuant to the laws of another state, as the seller of not less than one of these tags. The number of tags authorized for the purpose of raising funds pursuant to this subdivision, if more than

one, shall not exceed 15 percent of the total number of tags authorized pursuant to subdivision (b).

(e) No tag issued pursuant to this section shall be valid unless and until the licensee has successfully completed a prehunt hunter familiarization and orientation and has demonstrated to the department that he or she is familiar with the requisite equipment for participating in the hunting of Nelson bighorn rams, as determined by the commission. The orientation shall be conducted by the department at convenient locations and times preceding each season, as determined by the commission.

SEC. 102. Section 4904 of the Fish and Game Code is amended to read:

4904. (a) The department shall biennially report the following to the Legislature:

(1) The management units for which plans have been developed pursuant to Section 4901.

(2) A summary of the data from the annual count conducted by the department for the purposes of subdivision (b) of Section 4902.

(3) The number of tags issued in the preceding season, and the number of mature Nelson bighorn rams taken under valid tags in the preceding season.

(4) Any instance known to the department of the unlawful or unlicensed taking of a Nelson bighorn sheep in this state and the disposition of any prosecution therefor.

(5) The number of Nelson bighorn sheep relocated during the previous year, the area where reintroduced, a statement on the success of the reintroduction, and a brief description of any reintroduction planned for the following year.

(b) The report shall consist of a compilation of the results of the ongoing study conducted pursuant to this section each year since the enactment of this chapter and an assessment of the environmental impact of the hunting of Nelson bighorn sheep on the herds.

SEC. 103. Section 5020 of the Fish and Game Code is repealed.

SEC. 104. Section 5502 of the Fish and Game Code is repealed.

SEC. 105. Section 5514 of the Fish and Game Code is amended to read:

5514. (a) It is unlawful to kill or retain in possession any chinook, coho, or kokanee salmon or any steelhead that has not taken the bait or lure in its mouth, in inland waters.

(b) Any chinook, coho, or kokanee salmon or any steelhead hooked other than in its mouth in inland waters shall be released unharmed.

SEC. 107. Section 5652 of the Fish and Game Code is amended to read:

5652. (a) It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

(b) The abandonment of any motor vehicle in any manner that violates this section shall constitute a rebuttable presumption affecting the burden

of producing evidence that the last registered owner of record, not having complied with Section 5900 of the Vehicle Code, is responsible for that abandonment and is thereby liable for the cost of removal and disposition of the vehicle. This section prohibits the placement of a vehicle body on privately owned property along a streambank by the property owner or tenant for the purpose of preventing erosion of the streambank.

(c) This section does not apply to a refuse disposal site that is authorized by the appropriate local agency having jurisdiction or to the depositing of those materials in a container from which the materials are routinely removed to a legal point of disposal.

(d) This section shall be enforced by all law enforcement officers of this state.

SEC. 108. Section 6301 of the Fish and Game Code is amended to read:

6301. The department may enter at any time any vehicle, container, warehouse, depot, ship, or growing area where any fish, amphibians, or aquatic plants are held, transported, or stored, for the purpose of making a regulatory inspection to ascertain whether those fish, amphibians, or aquatic plants are infected, diseased, or parasitized, or to determine if aquaculture products are being or have been legally imported, transported, or possessed.

SEC. 109. Section 7145 of the Fish and Game Code is amended to read:

7145. (a) Except as otherwise provided in this article, every person 16 years of age or older who takes any fish, reptile, or amphibian for any purpose other than profit shall first obtain a valid license for that purpose and shall have that license on his or her person or in his or her immediate possession or where otherwise specifically required by law or regulation to be kept when engaged in carrying out any activity authorized by the license. In the case of a person diving from a boat, the license may be kept in the boat, or in the case of a person diving from the shore, the license may be kept within 500 yards of the shore.

(b) (1) This section does not apply to an owner of privately owned real property, or the owner's invitee, who, without providing compensation, takes fish for purposes other than profit from a lake or pond that is wholly enclosed by that owner's real property and that is located offstream and does not at any time derive water from, or supply water to, any permanent or intermittent artificial or natural lake, pond, stream, wash, canal, river, creek, waterway, aqueduct, or similar water conveyance system of the state. Access and control of the real property shall be under the direct authority of the owner and not that of another person or entity.

(2) This subdivision does not, and shall not be construed to, authorize the introduction, migration, stocking, or transfer of aquatic species, prohibited species, or any other nonnative or exotic species into state waters or waterways. This subdivision does not supersede or otherwise affect any provision of law that governs aquaculture, including, but not limited to, the operation of trout farms, or any activity that is an adjunct to or a feature of, or that is operated in conjunction with, any other enterprise operated for a fee, including, but not limited to, private parks or private recreation areas.

SEC. 110. Section 7147 of the Fish and Game Code is amended to read:

7147. The owner or operator of a boat or vessel licensed pursuant to Section 7920 shall not permit any person to fish from that boat or vessel unless that person has, in his or her possession, a valid California sport fishing license and any required stamp, report card, or validation issued pursuant to this code.

SEC. 111. Section 7149.2 of the Fish and Game Code is amended to read:

7149.2. (a) In addition to Sections 714, 7149, and 7149.05, the department shall issue a lifetime sport fishing license under this section. A lifetime sport fishing license authorizes the taking of fish, amphibians, or reptiles anywhere in this state in accordance with the law for purposes other than profit for the life of the person to whom issued unless revoked for a violation of this code or regulations adopted under this code. A lifetime sport fishing license is not transferable. A lifetime sport fishing license does not include any special tags, stamps, or fees.

(b) A lifetime sport fishing license may be issued to residents of this state, as follows:

(1) To a person 62 years of age or over, upon payment of a base fee of three hundred sixty-five dollars (\$365).

(2) To a person 40 years of age or over and less than 62 years of age, upon payment of a base fee of five hundred forty dollars (\$540).

(3) To a person 10 years of age or over and less than 40 years of age upon payment of a base fee of six hundred dollars (\$600).

(4) To a person less than 10 years of age upon payment of a base fee of three hundred sixty-five dollars (\$365).

(c) Nothing in this section requires a person less than 16 years of age to obtain a license to take fish, amphibians, or reptiles for purposes other than profit.

(d) Nothing in this section exempts a license applicant from meeting other qualifications or requirements otherwise established by law for the privilege of sport fishing.

(e) Upon payment of a base fee of two hundred forty-five dollars (\$245), a person holding a lifetime sport fishing license or lifetime sportsman's license shall be entitled annually to the privileges afforded to a person holding a second-rod stamp or validation issued pursuant to Section 7149.4 or 7149.45, a sport fishing ocean enhancement stamp or validation issued pursuant to paragraph (1) of subdivision (a) of Section 6596 or 6596.1, one steelhead trout report restoration card issued pursuant to Section 7380, a Bay-Delta sport fishing enhancement stamp or validation issued pursuant to Section 7360 or 7360.1, and one salmon punchcard issued pursuant to regulations adopted by the commission. Lifetime privileges issued pursuant to this subdivision are not transferable.

(f) The base fees specified in this section are applicable commencing January 1, 2004, and shall be adjusted annually thereafter pursuant to Section 713.

SEC. 112. Section 7149.4 of the Fish and Game Code is amended to read:

7149.4. (a) It is unlawful for any person to fish with two rods without first obtaining a second-rod sport fishing stamp, in addition to a valid California sport fishing license and any applicable stamp issued pursuant to subdivision (a) of Section 7149, and having that stamp affixed to his or her valid sport fishing license. Any person who has a valid second-rod sport fishing stamp affixed to his or her valid sport fishing license may fish with two rods in inland waters in any sport fishery in which the regulations of the commission provide for the taking of fish by angling, except those waters in which only artificial lures or barbless hooks may be used.

(b) The department or an authorized license agent shall issue a second-rod sport fishing stamp upon payment of a base fee of seven dollars and fifty cents (\$7.50) during the 1995 calendar year and subsequent years, as adjusted under Section 713.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 113. Section 7149.45 of the Fish and Game Code is amended to read:

7149.45. (a) It is unlawful for any person to fish with two rods without first obtaining a second-rod sport fishing validation, in addition to a valid California sport fishing license validation, and having that validation affixed to his or her valid sport fishing license. Any person who has a valid second-rod sport fishing validation affixed to his or her valid sport fishing license may fish with two rods in inland waters in any sport fishery in which the regulations of the commission provide for the taking of fish by angling, except those waters in which only artificial lures or barbless hooks may be used.

(b) The department or an authorized license agent shall issue a second-rod sport fishing validation upon payment of a base fee of seven dollars and fifty cents (\$7.50) during the 1995 calendar year and subsequent years, as adjusted under Section 713.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 114. Section 7153 of the Fish and Game Code is amended to read:

7153. (a) A sport fishing license is not required to take fish by any legal means, for any purpose other than profit, from a public pier, as defined by the commission, in the ocean waters of the state, or while angling at an aquaculture facility site that is registered pursuant to Section 235 of Title 14 of the California Code of Regulations.

(b) For purposes of this section, “ocean waters” include, but are not limited to, the open waters adjacent to the ocean and any island; the waters of any open or enclosed bay contiguous to the ocean; the San Francisco and San Pablo Bays, with any tidal bay belonging thereto; and any slough or estuary, if found between the Golden Gate Bridge and the Benicia-Martinez Bridge.

SEC. 115. Section 7180 of the Fish and Game Code is amended to read:

7180. (a) Any person taking fish or amphibians for purposes other than profit from or on a boat or other floating device on the waters of the Colorado

River and on adjacent waters, except canals, drains, or ditches used to transport water used for irrigation or domestic purposes, shall have in his or her possession a valid sport fishing license issued by either the State of Arizona or State of California.

(b) In addition to either of the licenses, a person taking fish or amphibians as indicated shall have in his or her possession a valid Colorado River special use stamp permanently affixed to his or her valid sport fishing license. If he or she is a person having in his or her possession a valid California sport fishing license he or she shall have an Arizona special use stamp to fish legally the waters described above. If he or she is a person having in his or her possession a valid Arizona sport fishing license, he or she shall have a California special use stamp to fish legally the waters described above.

(c) A special use stamp, when accompanied by the proper license, permits fishing in any portion of those waters, and permits fishermen to enter the waters from any point.

The fee for a Colorado River special use stamp is three dollars (\$3).

(d) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 116. Section 7852.27 of the Fish and Game Code is amended to read:

7852.27. At all times when engaged in any activity described in Section 7850 or Article 7 (commencing with Section 8030) for which a commercial fishing license is required, the licensee shall have in his or her possession, or immediately available to the licensee, a valid driver's license or identification card issued to him or her by the Department of Motor Vehicles or by the entity issuing driver's licenses from the licensee's state of domicile. A current passport may be used in lieu of a valid driver's license or identification card by a holder of a valid nonresident commercial fishing license issued pursuant to subdivision (b) of Section 7852. The licensee's driver's license, identification card or, if applicable, passport, shall be exhibited upon demand to any person authorized by the department to enforce this code or regulations adopted pursuant thereto.

SEC. 117. Section 8022 of the Fish and Game Code is amended to read:

8022. (a) The receipts, reports, or other records filed with the department pursuant to Article 2 (commencing with Section 7700) to Article 7.5 (commencing with Section 8040), inclusive, and the information contained therein, shall, except as otherwise provided in this section, be confidential, and the records shall not be public records. Insofar as possible, the information contained in the records shall be compiled or published as summaries, so as not to disclose the individual record or business of any person.

(b) Notwithstanding any other provision of law, the department may release the confidential information described in subdivision (a) to any federal agency responsible for fishery management activities, provided the information is used solely for the purposes of enforcing fishery management provisions and provided the information will otherwise remain confidential. The department may also release this information in accordance with Section

391 or pursuant to a court order, to a public or private postsecondary institution engaged in research under the terms of a legally binding confidentiality agreement, or under other conditions as the commission by regulation may provide.

(c) All forms, logs, books, covers, documents, electronic data, software, and other records of any kind issued or otherwise supplied, directly or indirectly, by the department, the purpose of which is to provide a means for reports, records, or other information to be filed with the department pursuant to Article 2 (commencing with Section 7700) to Article 7.5 (commencing with Section 8040), inclusive, continue to be the property of the department. Those forms, logs, books, covers, documents, electronic data, software, other records, or portions thereof remain the property of the department whether used, unused, attached, or detached from their original binding, packaging, or other medium and shall be immediately surrendered upon demand to a peace officer of the department acting in his or her official capacity, without being altered in any manner.

SEC. 118. Section 8030 of the Fish and Game Code is amended to read:

8030. Any person who engages in any business for profit involving fish shall be licensed pursuant to this article, except as follows:

(a) A commercial fisherman who sells fish only to persons licensed under this article to purchase or receive fish from commercial fishermen and who does not engage in any activity described in Section 8034, 8035, or 8036 unless licensed to engage in both activities.

(b) A person licensed pursuant to Section 8460 who only takes, transports, or sells live freshwater fish for bait.

(c) A person who sells fish or aquaculture products only at retail to the ultimate consumer if that person does not conduct any activities described in Section 8033, 8035, or 8036.

(d) Pursuant to Division 12 (commencing with Section 15000), a person who deals only in products of aquaculture.

(e) A person who deals only with nonnative live products that are not utilized for human consumption but that are utilized solely for pet industry or hobby purposes and who does not engage in the activities described in Section 8033.1.

(f) A person who is employed by the fish receiver to unload fish or fish products from a commercial fishing boat at a dock.

(g) A person who purchases, sells, takes, or receives live marine fish for use as live bait, that are not brought ashore, and who does not engage in any activity described in Section 8033, 8033.1, 8034, 8035, or 8036.

(h) A person who does not purchase or obtain fish, but who acts as an agent for others while negotiating purchases, or sales of fish in return for a fee, commission, or other compensation.

SEC. 118.5. Section 8051.4 of the Fish and Game Code is amended to read:

8051.4. (a) The landing tax collected pursuant to former Section 8051.3 shall be deposited in the Fish and Game Preservation Fund and shall be used only for the Abalone Resources Restoration and Enhancement Program.

The department shall maintain internal accounts necessary to ensure that the funds are disbursed for the purposes in this subdivision. No more of the landing tax collected pursuant to former Section 8051.3 than an amount equal to the regularly approved department indirect overhead rate may be used for administration by the department. Any interest on the revenues from the landing tax collected pursuant to former Section 8051.3 shall be deposited in the fund and used for the purposes in this subdivision.

(b) A Commercial Abalone Advisory Committee shall be appointed by the director, consisting of six members who shall serve without compensation or reimbursement of expenses. One of the members shall be a person who was required to pay landing taxes pursuant to Section 8051.3 during the 1996–97 permit year. Each of the five remaining members shall have held a commercial abalone diving permit during the 1996–97 permit year, and represent the following groups and organizations:

(1) One member shall be selected from divers with a place of residence north of Point Sur.

(2) One member shall be selected from divers with a place of residence south of Point Dume.

(3) One member shall be selected from divers with a place of residence south of Point Sur and north of Point Dume.

(4) Two members shall be selected from the membership of the California Abalone Association without regard to place of residence. This subdivision does not prohibit persons selected pursuant to paragraph (1), (2), or (3) from also being members of the California Abalone Association.

(c) The advisory committee shall make recommendations to the director and the director shall use his or her best efforts to implement those recommendations for activities to be conducted with funds collected pursuant to Section 8051.3, and those funds collected from any previous calendar year shall be available for use for those activities.

(d) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2013, deletes or extends that date.

SEC. 119. Section 8250.5 of the Fish and Game Code is amended to read:

8250.5. (a) Subject to this article and Article 1 (commencing with Section 9000) of Chapter 4, a lobster trap, as described in Section 9010, may be used to take lobster for commercial purposes under a lobster permit issued pursuant to Section 8254.

(b) The following species may be taken incidentally in lobster traps being fished under the authority of a lobster permit issued pursuant to Section 8254, and any other species taken incidentally shall be immediately released back to the water:

- (1) Crab, other than Dungeness crab.
- (2) Kelleys' whelk.
- (3) Octopus.

(c) Spiny lobsters taken in the manner commonly known as skindiving or by a person using self-contained underwater breathing apparatus shall not be sold.

SEC. 120. Section 8284 of the Fish and Game Code is amended to read:

8284. (a) Subject to this article and Article 1 (commencing with Section 9000) of Chapter 4, crab traps, as described in Section 9011, may be used to take Dungeness crab for commercial purposes. Any fish may be taken incidentally in crab traps being used to take Dungeness crab.

(b) Any other species taken incidentally in a crab trap being used to take rock crab, except as provided in subdivision (c), shall be immediately released back to the water.

(c) The following species may be taken incidentally in crab traps being used to take rock crab under a permit issued pursuant to Section 9001 in Districts 19 and 118.5:

(1) Kellet's whelk.

(2) Octopus.

(3) Crabs, other than of the genus *Cancer*.

SEC. 121. Section 8372 of the Fish and Game Code is amended to read:

8372. Kelp bass, sand bass, or spotted bass, all of the genus *Paralabrax*, shall not be sold or purchased, or possessed in any place where fish are purchased, possessed for sale, or sold, or where food is offered or processed for sale, or in any truck, vessel, or other conveyance operated by or for a place so selling or possessing fish; except that those fish may be imported into this state pursuant to Article 1 (commencing with Section 2345) of Chapter 4 of Division 3, and may be sold under regulations as the commission may adopt. It is unlawful to take, possess, or sell any fish less than 10 ½ inches in length of the species specified in this section.

SEC. 122. Section 8383 of the Fish and Game Code is repealed.

SEC. 123. Section 8573 of the Fish and Game Code is amended to read:

8573. Drift gill nets may be used to take shark and swordfish under the permit provided in this article, subject to Section 8610.3 and all of the following restrictions:

(a) From June 1 to November 15, inclusive, shark or swordfish gill nets shall not be in the water from two hours after sunrise to two hours before sunset east of a line described as follows:

From a point beginning at Las Pitas Point to San Pedro Point on Santa Cruz Island, thence to Gull Island Light, thence to the northeast extremity of San Nicolas Island, thence along the high water mark on the west side of San Nicolas Island to the southeast extremity of San Nicolas Island, thence to the northwest extremity of San Clemente Island, thence along the high water mark on the west side of San Clemente Island to the southeast extremity of San Clemente Island, thence along a line running 150° true from the southeast extremity of San Clemente Island to the westerly extension of the boundary line between the Republic of Mexico and San Diego County.

(b) (1) The total maximum length of a shark or swordfish gill net on the net reel on a vessel, on the deck of the vessel, and in the water at any time

shall not exceed 6,000 feet in float line length. The float line length shall be determined by measuring the float line, as tied, of all the net panels, combined with any other netted lines. The existence of holes, tears, or gaps in the net shall have no bearing on the measurement of the float line. The float line of any net panels with holes, tears, or gaps shall be included in the total float line measurement.

(2) Any shark or swordfish gill net on the reel shall have the float lines of the adjacent panels tied together, the lead lines of the adjacent panels tied together, and the web of the adjacent panels laced together. No quick disconnect device may be used unless the total maximum length of all shark and swordfish gill nets, including all spare gill nets or net panels on the vessel and all gill nets or net panels on the net reels on the vessel, on the deck of the vessel, stored aboard the vessel, and in the water, does not exceed 6,000 feet in float line length as determined under paragraph (1).

(3) Spare shark or swordfish gill net aboard the vessel shall not exceed 250 fathoms (1,500 feet) in total length, and the spare net shall be in separated panels not to exceed 100 fathoms (600 feet) in float line length for each panel, with the float lines and leadlines attached to each panel separately gathered and tied, and the spare net panels stowed in lockers, wells, or other storage space.

(4) If a torn panel is replaced in a working shark or swordfish gill net, the torn panel shall be removed from the working net before the replacement panel is attached to the working net.

(c) Any end of a shark or swordfish gill net not attached to the permittee's vessel shall be marked by a pole with a radar reflector. The reflector shall be at least six feet above the surface of the ocean and not less than 10 inches in any dimension except thickness. The permittee's permit number shall be permanently affixed to at least one buoy or float that is attached to the radar reflector staff. The permit number shall be at least one and one-half inches in height and all markings shall be at least one-quarter inch in width.

(d) For the purposes of this article, "shark or swordfish gill net" means a drift gill net of 14-inch or greater mesh size.

SEC. 124. Section 8576 of the Fish and Game Code is amended to read:

8576. (a) Drift gill nets shall not be used to take shark or swordfish from February 1 to April 30, inclusive.

(b) Drift gill nets shall not be used to take shark or swordfish in ocean waters within 75 nautical miles from the mainland coastline between the westerly extension of the California-Oregon boundary line and the westerly extension of the United States-Republic of Mexico boundary line from May 1 to August 14, inclusive.

(c) Subdivisions (a) and (b) apply to any drift gill net used pursuant to a permit issued under Section 8561 or 8681, except that drift gill nets with a mesh size smaller than eight inches in stretched mesh and twine size number 18, or the equivalent of this twine size, or smaller, used pursuant to a permit issued under Section 8681, may be used to take species of sharks other than thresher shark, shortfin mako shark, and white shark during the periods specified in subdivisions (a) and (b). However, during the periods of time

specified in subdivisions (a) and (b), not more than two thresher sharks and two shortfin mako sharks may be possessed and sold if taken incidentally in drift gill nets while fishing for barracuda or white seabass and if at least 10 barracuda or five white seabass are possessed and landed at the same time as the incidentally taken thresher or shortfin mako shark. No thresher shark or shortfin mako shark taken pursuant to this subdivision shall be transferred to another vessel before landing the fish. Any vessel possessing thresher or shortfin mako sharks pursuant to this section shall not have any gill or trammel net aboard that is constructed with a mesh size greater than eight inches in stretched mesh and twine size greater than number 18, or the equivalent of a twine size greater than number 18.

(d) Notwithstanding the closure from May 1 to August 14, inclusive, provided by subdivision (b), a permittee may land swordfish or thresher shark taken in ocean waters more than 75 nautical miles from the mainland coastline in that period if, for each landing during that closed period, the permittee signs a written declaration under penalty of perjury that the fish landed were taken more than 75 nautical miles from the mainland coastline. The declaration shall be completed and signed before arrival at any port in this state. Within 72 hours of the time of arrival, the permittee shall deliver the declaration to the department.

(e) If any person is convicted of falsely swearing a declaration under subdivision (d), in addition to any other penalty prescribed by law, the following penalties shall be imposed:

(1) The fish landed shall be forfeited, or, if sold, the proceeds from the sale shall be forfeited, pursuant to Sections 12159, 12160, 12161, and 12162.

(2) All shark or swordfish gill nets possessed by the permittee shall be seized and forfeited pursuant to Section 8630 or 12157.

(f) From August 15 of the year of issue to January 31, inclusive, of the following year, swordfish may be taken under a permit issued pursuant to this article.

SEC. 125. Section 8597 of the Fish and Game Code is amended to read:

8597. (a) It is unlawful for any person to take, possess aboard a boat, or land for marine aquaria pet trade purposes any live organisms identified in subdivision (b), unless that person has a valid marine aquaria collector's permit that has not been suspended or revoked. At least one person aboard the boat shall have a valid marine aquaria collector permit.

(b) Except as provided in Section 8598.2, and unless otherwise prohibited in this code, or regulations made pursuant thereto, specimens of the following groups or species may be taken, possessed aboard a boat, or landed under a marine aquaria collector's permit:

(1) Marine plants:

(A) Chlorophyta.

(B) Phaeophyta.

(C) Rhodophyta.

(D) Spermatophyta, all species.

(2) Invertebrates:

(A) Polychaeta—worms; all species.

- (B) Crustacea—shrimp, crabs; all species, except the following:
 - (i) Dungeness crab—*Cancer magister*.
 - (ii) Yellow crab—*Cancer anthonyi*.
 - (iii) Red crab—*Cancer productus*.
 - (iv) Sheep crab—*Loxorhynchus grandis*.
 - (v) Spot prawn—*Pandalus platyceros*.
 - (vi) Ridgeback prawn—*Sicyonia ingentis*.
 - (vii) Golden prawn—*Penaeus californiensis*.
 - (viii) Sand crab—*Emerita analoga*.
 - (ix) Redrock shrimp—*Lysmata californica*.
 - (x) Bay shrimp—*Crangon* sp. and *Palaemon macrodactylus*.
 - (xi) Ghost shrimp—*Callinassa* sp.
- (C) Asteroidea—Sea stars; all species.
- (D) Ophiuroidea—Brittle stars; all species.
- (E) Gastropoda—snails, limpets, sea slugs; all species, except Kellet's whelk—*Kelletia kelletii*.
- (F) Bivalvia—clams and mussels; all species.
- (G) Polyplacophora—Chitons; all species.
- (H) Cephalopoda—Octopuses and squids; all species, except two spot octopuses—*Octopus bimaculatus* and *Octopus maculoides*—and market squid—*Loligo opalescens*.
- (I) Tunicata—Sea squirts; all species.
- (3) Vertebrates:
 - (A) Osteichthyes—Finfishes; all species, except the following:
 - (i) Rockfish—*Sebastes* sp. larger than six inches total length.
 - (ii) Sheephead—*Semicossyphus pulcher* larger than six inches total length.
 - (iii) Anchovy—*Engraulis mordax*.
 - (iv) Sardine—*Sardinops sagax*.
 - (v) Pacific/chub mackerel—*Scomber japonicus*.
 - (vi) Jack mackerel—*Trachurus symmetricus*.
 - (vii) Queenfish—*Seriphus politus*.
 - (viii) White Croaker—*Genyonemus lineatus*.
 - (ix) Top smelt—*Atherinops affinis*.
 - (x) Grunion—*Leuresthes tenuis*.
 - (xi) Shiner surf perch—*Cymatogaster aggregata*.
 - (xii) Longjawed mudsucker—*Gillichthys mirabilis*.
 - (B) Chondrichthyes—sharks, rays, and skates; all species less than 18 inches total length, except that leopard shark (*Triakis semifasciata*) shall be 36 inches or larger in total length.
- (c) The holder of a permit issued pursuant to this section is not required to obtain or possess a kelp harvester's license issued pursuant to Section 6651, a tidal invertebrate permit issued pursuant to Section 8500, or a general trap permit issued pursuant to Article 1 (commencing with Section 9000) of Chapter 4, when taking, possessing, or landing live organisms for marine aquaria pet trade purposes pursuant to subdivision (b), subject to regulations governing the taking of tidal invertebrates. The commission shall adopt

regulations to implement this subdivision, and, for that purpose, may incorporate other regulations by reference.

SEC. 126. Section 8598 of the Fish and Game Code is amended to read:

8598. (a) Notwithstanding Section 8140 or subdivision (b) of Section 8597, specimens of the following groups or species shall not be taken, possessed aboard a boat, or landed for commercial purposes. Taking, possessing, or landing of any of the following species in a commercial operation is prima facie evidence that it was taken, possessed, or landed for commercial purposes:

(1) Invertebrates:

(A) Phylum Porifera—all sponges.

(B) Genus *Pelagia* sp.—jellyfish.

(C) Coelenterata—corals, anemones; all species.

(D) Order Gorgonacea—all gorgonians.

(E) Order Pennatulacea—all species, except *Renilla kollikeri*.

(F) Feather-duster worm—*Eudistylia polymorpha*.

(G) Fiddler crab—*Uca crenulata*.

(H) Umbrella crab—*Cryptolithodes sitchensis*.

(I) Stalked or goose barnacles—*Pollicipes* sp.

(J) Giant acorn barnacle—*Balanus nubilus* or *B. aguilula*.

(K) Owl limpet—*Lottia gigantea*.

(L) Coffee bean shells—*Trivia* sp.

(M) Three-winged murex—*Pteropurpura trialata*.

(N) Vidler's simnia—*Simnia vidleri*.

(O) Queen tegula—*Tegula regina*.

(P) Opisthobranchia (including nudibranchs)—all subclass Opisthobranchia species except:

(i) Sea hares—*Aplysia californica* and *Aplysia vaccaria*.

(ii) *Hermisenda crassicornis*.

(iii) Lion's mouth—*Melibe leonina*.

(iv) *Aeolidia papillosa*.

(v) Spanish shawl—*Flabellina iodinea*.

(2) Vertebrates:

(A) All shark and ray eggcases.

(B) Brown smoothhound sharks—*Mustelus hinlei*—that are less than 18 inches in a whole condition or dressed with head and tail removed.

(C) Family Agonidae—all poachers.

(D) Wolf-eel—*Anarrhichthys ocellatus*.

(E) Juvenile sheephead—*Semicossyphus pulcher* (under six inches).

(F) Garibaldi—*Hypsypops rubicundus*.

(3) Live rocks.

(A) Rocks with living organisms attached, commonly called "live rocks," shall not be taken or possessed except as provided in subparagraph (C).

(B) Rocks shall not be broken to take marine aquaria species, and any rock displaced to access any of those species shall be returned to its original position.

(C) Rocks cultured under the authority of an aquaculture registration may be possessed.

(b) No organisms may be taken, possessed, or landed for marine aquaria pet trade purposes under the terms of a marine aquaria collector's permit in any of the following areas:

(1) On the north side of Santa Catalina Island from a line extending three nautical miles 90 degrees true from Church Rock to a line extending three nautical miles 270 degrees true from the extreme west end of the island.

(2) On the south or "back" side of Santa Catalina Island from a line extending three nautical miles 90 degrees true from Church Rock to a line extending three nautical miles 270 degrees true from the extreme west end of the island.

(3) Marine life refuges, marine reserves, ecological reserves, and state reserves.

SEC. 127. Section 8632 of the Fish and Game Code is amended to read:

8632. Within three days after the department has been notified in writing that a vessel carrying a seized net has arrived in port, the department may remove the net from the vessel, unless the owner has furnished a bond in accordance with Section 8633. The notice shall be sufficient when delivered to the office of the department nearest to the port at which the vessel has arrived.

SEC. 128. Section 8681 of the Fish and Game Code is amended to read:

8681. (a) Gill nets or trammel nets shall not be used for commercial purposes except under a revocable, nontransferable permit issued by the department. Each permittee shall keep an accurate record of his or her fishing operations in a logbook furnished by the department. The commission may suspend, revoke, or cancel a permit, license, and commercial fishing privileges pursuant to Section 7857. A permit may be revoked and canceled for a period not to exceed one year from the date of revocation.

(b) In accordance with Section 4 of Article XB of the California Constitution, this section contains the provisions in effect on January 1, 1989.

SEC. 129. Section 10500 of the Fish and Game Code is amended to read:

10500. Except under a permit or specific authorization, it is unlawful to do any of the following:

(a) To take or possess any bird or mammal, or part thereof, in any game refuge.

(b) To use or have in possession in a game refuge, any firearm, BB device as defined in subdivision (g) of Section 12001 of the Penal Code, crossbow, bow and arrow, or any trap or other contrivance designed to be, or capable of being, used to take birds or mammals, or to discharge any firearm or BB device or to release any arrow or crossbow bolt into any game refuge.

(c) To take or possess any species of fish or amphibian, or part thereof, in any fish refuge, or to use or have in possession in that refuge any contrivance designed to be used for catching fish.

(d) To take or possess any bird in, or to discharge any firearm or BB device, or to release any arrow or crossbow bolt within or into, any waterfowl refuge.

(e) To take or possess any quail in a quail refuge.

(f) To take or possess any invertebrate or specimen of marine plant life in a marine life refuge.

(g) To take or possess any clam in a clam refuge or to possess in such a refuge any instrument or apparatus capable of being used to dig clams.

SEC. 130. Section 10506 of the Fish and Game Code is amended to read:

10506. Nothing in this code prohibits the possession of firearms, BB devices as defined in subdivision (g) of Section 12001 of the Penal Code, crossbows and bolts, or bows and arrows by persons when traveling through any game refuges when the firearms are taken apart or encased and unloaded and the bows are unstrung or stored separately from any arrow or bolt. When the traveling is done on a route other than a public highway or other public thoroughfare or right of way, notice shall be given to the department at least 24 hours before that traveling. The notice shall give the name and address of the person intending to travel through the refuge, the name of the refuge, the approximate route, and the approximate time when that person intends to travel through the refuge.

SEC. 131. Section 11032 of the Fish and Game Code is amended to read:

11032. The following constitutes Fish and Game District 21:

The waters and tidelands to high water mark of San Diego Bay lying inside of a straight line drawn from the southernly extremity of Point Loma to the offshore end of the San Diego breakwater.

SEC. 132. Section 12000 of the Fish and Game Code is amended to read:

12000. (a) Except as expressly provided otherwise in this code, any violation of this code, or of any rule, regulation, or order made or adopted under this code, is a misdemeanor.

(b) Notwithstanding subdivision (a), any person who violates any of the following statutes or regulations is guilty of an infraction punishable by a fine of not less than one hundred dollars (\$100), or more than one thousand dollars (\$1,000), or of a misdemeanor:

(1) Subdivision (a) of Section 6596.

(2) Section 7149.8.

(3) Section 7360.

(4) Sections 1.14, 1.17, 1.18, 1.62, 1.63, and 1.74 of Title 14 of the California Code of Regulations.

(5) Sections 2.00 to 5.95, inclusive, and 7.00 to 8.00, inclusive, of Title 14 of the California Code of Regulations.

(6) Sections 27.56 to 30.10, inclusive, of Title 14 of the California Code of Regulations.

(7) Sections 40 to 43, inclusive, of Title 14 of the California Code of Regulations.

(8) Sections 307, 308, and 311 to 313, inclusive, of Title 14 of the California Code of Regulations.

(9) Sections 505, 507 to 510, inclusive, and 550 to 553, inclusive, of Title 14 of the California Code of Regulations.

(10) Sections 630 to 630.5, inclusive, of Title 14 of the California Code of Regulations.

SEC. 133. Section 12001.5 of the Fish and Game Code is amended to read:

12001.5. (a) In addition to any other penalty or fine imposed pursuant to this code, if a person has been convicted of one or more offenses that was a violation of a section listed in subdivision (b) separate from the offense before the court, the court may order as a condition of probation upon conviction of the offense before the court that is also a violation of a section listed in subdivision (b), that the person attend the hunter education course designated in Section 3051 and perform community service, preferably relating to natural resources if that type of community service is available, as follows:

(1) If the person has one separate conviction, not more than 200 hours of community service.

(2) If the person has two or more separate convictions, not more than 300 hours of community service.

(b) This section applies to violations relating to a taking in Sections 3007, 3700, 4330, and 4750, and a sale or purchase of parts of a bear in Section 4758.

SEC. 134. Section 12002 of the Fish and Game Code is amended to read:

12002. (a) Unless otherwise provided, the punishment for a violation of this code that is a misdemeanor is a fine of not more than one thousand dollars (\$1,000), imprisonment in the county jail for not more than six months, or by both that fine and imprisonment.

(b) The punishment for a violation of any of the following provisions is a fine of not more than two thousand dollars (\$2,000), imprisonment in the county jail for not more than one year, or both the fine and imprisonment:

(1) Section 1059.

(2) Subdivision (d) of Section 4004.

(3) Section 4600.

(4) Paragraph (1) or (2) of subdivision (a) of Section 5650.

(5) A first violation of Section 8670.

(6) Section 10500.

(7) Unless a greater punishment is otherwise provided, a violation subject to subdivision (a) of Section 12003.1.

(c) Except as specified in Sections 12001 and 12010, the punishment for violation of Section 3503, 3503.5, 3513, or 3800 is a fine of not more than five thousand dollars (\$5,000), imprisonment in the county jail for not more than six months, or by both that fine and imprisonment.

(d) (1) A license, tag, stamp, reservation, permit, or other entitlement or privilege issued pursuant to this code to a defendant who fails to appear

at a court hearing for a violation of this code, or who fails to pay a fine imposed pursuant to this code, shall be immediately suspended or revoked. The license, tag, stamp, reservation, permit, or other entitlement or privilege shall not be reinstated or renewed, and no other license, tag, stamp, reservation, permit, or other entitlement or privilege shall be issued to that person pursuant to this code, until the court proceeding is completed or the fine is paid.

(2) This subdivision does not apply to any violation of Section 1052, 1059, 1170, 5650, 5653.9, 6454, 6650, or 6653.5.

SEC. 135. Section 12002.1 of the Fish and Game Code is amended to read:

12002.1. (a) Notwithstanding Section 12002, the punishment for taking a mammal or bird for which a hunting license issued pursuant to Section 3031 is required or a tag, seal, or stamp is required, including a deer tag issued pursuant to Section 3407, without having in one's possession the required, valid license, or without having in one's possession any required tag, seal, or stamp, or when the taking of that mammal or bird is prohibited by allowable season, limit, time, or area, is punishable by a fine of not less than two hundred fifty dollars (\$250) or more than two thousand dollars (\$2,000), or imprisonment in the county jail for not more than one year, or by both that fine and imprisonment, or by any greater punishment prescribed by this code.

(b) If a person is convicted of an offense described in subdivision (a) and produces in court a license, tag, or stamp, issued to the person and valid at the time of the person's arrest and if the taking was otherwise lawful with respect to season, limit, time, and area, the court may reduce the fine imposed for the violation to fifty dollars (\$50).

SEC. 136. Section 12002.11 is added to the Fish and Game Code, to read:

12002.11. Upon the second conviction of any person of a violation of Section 3087 or any regulation adopted pursuant thereto, in any five-year period, and upon any conviction subsequent to the two convictions during a five-year period, it shall be unlawful for that person to conduct any of the activities described in paragraph (1) of subdivision (a) of Section 3087 for three years from the date of the last conviction.

SEC. 137. Section 12002.2.1 is added to the Fish and Game Code, to read:

12002.2.1. (a) Notwithstanding any other provision of law, a violation of any of the following is an infraction, punishable by a fine of not less than fifty dollars (\$50), or more than two hundred fifty dollars (\$250), for a first offense:

- (1) Subdivision (a) of Section 6596.
- (2) Subdivision (a) of Section 6596.1.
- (3) Subdivision (a) of Section 7149.4.
- (4) Subdivision (a) of Section 7149.45.
- (5) Subdivision (b) of Section 7180.
- (6) Subdivision (b) of Section 7180.1.

(7) Subdivision (a) of Section 7360.

(8) Section 1.18 of Title 14 of the California Code of Regulations.

(b) If a person is convicted of a violation of any of the sections listed in subdivision (a) within five years of a separate offense resulting in a conviction of a violation of any of those sections, that person shall be punished by a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500).

(c) If a person convicted of a violation of any of the sections listed in subdivision (a) produces in court the applicable sport fishing ocean enhancement stamp, sport fishing ocean enhancement validation, second rod sport fishing stamp, second rod sport fishing validation, Colorado River special use stamp, Colorado River special use validation, Bay-Delta Sport Fishing Enhancement Stamp or Bay-Delta Sport Fishing Enhancement validation issued pursuant to this code and valid at the time of the person's arrest, and if the taking was otherwise lawful with respect to season, limit, time, and area, the court may reduce the fine imposed for the violation to twenty-five dollars (\$25).

SEC. 138. Section 12013 of the Fish and Game Code is amended to read:

12013. (a) In addition to any other penalty prescribed by law, any person convicted of a violation punishable under subdivision (a) of Section 12012 relating to wildlife, except fish, is prohibited from thereafter taking wildlife, except fish, in this state for a period of not less than one year from the date of conviction. In determining the length of the prohibition imposed pursuant to this subdivision, the court shall take into consideration the gravity of the offense for which the person was convicted, including, but not limited to, whether the species was illegally taken for commercial purposes, the magnitude of the offense, damage to the species as a resource in the geographic area where taken, previous convictions for violations of this code, and the motivation of the person convicted. Any license, permit, tag, stamp, or other entitlement to take or possess wildlife, except fish, for any purpose other than for commercial purposes that has previously been issued to that person shall be immediately revoked by the court and that person, during the period of the prohibition, shall not apply for a license, permit, tag, stamp, or other entitlement to take or possess wildlife, except fish, for any purpose other than for commercial purposes.

(b) In addition to any other penalty prescribed by law, any person convicted of a violation punishable under subdivision (a) of Section 12012 relating to fish is prohibited from thereafter taking or possessing fish in this state for a period of not less than one year from the date of conviction. In determining the length of the prohibition imposed pursuant to this subdivision, the court shall take into consideration the gravity of the offense for which the person was convicted, including, but not limited to, such factors as whether the species was illegally taken for commercial purposes, the magnitude of the offense, damage to the species as a resource in the geographic area where taken, previous convictions for violations of this code, and the motivation of the person convicted. Any license, permit, tag,

stamp, or other entitlement to take or possess fish for any purpose other than for commercial purposes that has previously been issued to that person shall be immediately revoked and that person, during the period of the prohibition, shall not apply for a license, permit, tag, stamp, or other entitlement to take or possess fish for any purpose other than for commercial purposes.

(c) As used in this section, “commercial purposes” means for profit or personal gain, “fish” means fish as defined by Section 45, and “wildlife” means wildlife as defined by Section 711.2.

(d) This section does not apply to any person who is licensed to take any fish or wildlife for commercial purposes and does not supersede or otherwise affect any other provision of this code or regulations adopted pursuant to this code relating to issuing, suspending, or revoking licenses or other entitlements to take, possess, buy, or sell wildlife or fish for commercial purposes.

SEC. 139. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.